

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff,

vs.

Case No. 1:10-CV-457
(GLS/CFH)

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. MCGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY MCGINN, :

Defendants,

LYNN A. SMITH and
NANCY MCGINN,

Relief Defendants. and

GEOFFREY R. SMITH, Trustee of the
David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,

Intervenor.

**NOTICE OF TENTH INTERIM
APPLICATION OF PHILLIPS LYTLE LLP AND THE
RECEIVER FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES**

PLEASE TAKE NOTICE that upon the Tenth Interim Application of Phillips Lytle LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Application”), Phillips Lytle LLP (“Phillips Lytle”) will move before the Hon. Christian F. Hummel, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Albany, New York 12207-2924, on **September 20, 2018 at 9:30 a.m.**, seeking an Order to be entered approving the

Application of Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses for the one-year period from July 1, 2017 through December 31, 2017 in connection with legal services performed for William J. Brown, Esq., the Receiver for the McGinn Smith Entities and the services of the Receiver. No oral argument is requested.

PLEASE TAKE FURTHER NOTICE that attached is the cover sheet for the Application, indicating the nature and dates of the services rendered by Phillips Lytle and the Receiver, as well as the total amount sought by Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses. The complete Application of Phillips Lytle is filed with the United States District Court and will be available for review electronically at the Office of the Clerk, United States District Court, Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Room 509, Albany, New York 12207-2924 or online, at the Court's website (www.nynd.uscourts.gov), or at the website of the Receiver (www.mcginnsmithreceiver.com). Copies can also be obtained upon written request to Phillips Lytle.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: August 3, 2018

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Catherine N. Eisenhut (Bar Roll #520849)
Attorneys for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc #01-3116184.2

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LAUREN T. SMITH, and NANCY McGINN, :

Defendants, :

LYNN A. SMITH and :
NANCY McGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

**FACE SHEET PURSUANT TO LOCAL RULE 2016-1
FOR TENTH INTERIM APPLICATION BY ATTORNEYS
FOR RECEIVER AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

APPLICANT'S NAME: Phillips Lytle LLP and William J. Brown, as
Receiver

APPLICANT'S ADDRESS: Omni Plaza
30 South Pearl Street
Albany, New York 12207

DATE APPLICANT APPOINTED: April 20, 2010

NATURE OF SERVICES RENDERED: Legal services rendered for William J. Brown, Receiver, with respect to McGinn, Smith & Co., Inc., et al. and for Receiver services and expenses for the period from July 1, 2017 through December 31, 2017

AMOUNT OF COMPENSATION SOUGHT FOR FEES FROM JULY 1, 2017 THROUGH, DECEMBER 31, 2017 \$125,345.29 (including Phillips Lytle and Receiver's fees at pre-arranged discounted hourly rates) at 7.5% for Phillips Lytle and \$225 rather than \$480.00 per hour for the Receiver

AMOUNT OF COMPENSATION SOUGHT FOR EXPENSES FROM JULY 1, 2017 THROUGH DECEMBER 31, 2017 \$1,343.93

Dated: August 3, 2018

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Catherine N. Eisenhut (Bar Roll #520849)
Attorneys for the Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

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Defendants, :

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Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

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**TENTH INTERIM APPLICATION OF PHILLIPS LYTLE LLP
AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Phillips Lytle LLP (“Phillips Lytle”) submits this application (“Fee Application”) for allowance of interim compensation and reimbursement of expenses for the six-month period from July 1, 2017 through December 31, 2017 pursuant to Section XIV of this Court’s

Preliminary Injunction Order (Docket No. 96). Attached as **Exhibit A** is the Declaration of William J. Brown, Esq. in support of the Fee Application. Phillips Lytle respectfully represents as follows:

INTRODUCTION

1. The Securities and Exchange Commission (“SEC”) commenced an action against McGinn Smith & Co., Inc., et al. in the United States District Court for the Northern District of New York on April 20, 2010 wherein William J. Brown, Esq. was appointed as temporary Receiver for certain of the defendants and other entities in the action (“Receiver”) (Docket No. 5). The SEC’s Complaint was subsequently amended (Docket No. 100 on August 3, 2011 and Docket No. 334 on June 8, 2011), and the Preliminary Injunction Order was entered on July 22, 2010 appointing William J. Brown as the permanent Receiver.

2. During the period from July 1, 2017 to December 31, 2017 (“Tenth Interim Period”), Phillips Lytle performed extensive legal services for the Receiver, and the Receiver performed extensive non-legal or quasi-legal functions, which are each more particularly described below and itemized in the detailed time and disbursement records attached as **Exhibit B**.

3. As a public service discount, the legal fees incurred in this case are being performed with a current 7.5% discount on the hourly rates of Phillips Lytle pursuant to a prior agreement with the SEC. Similarly, the Receiver’s hourly rate for this engagement is \$225 per hour rather than his 2017 hourly rate of \$480 per hour, again per prior agreement with the SEC.

4. As a result, legal services at full value in this Tenth Interim Period total \$119,089.50, while the amount to be paid less the 7.5% discount if this Application is approved is \$110,157.79. The Receiver’s services at full value of \$480 per hour in this Tenth Interim

Period total \$27,972.00, while the amount to be paid if this Application is granted are \$15,187.50 at \$225 per hour. This makes the total amount sought pursuant to this Application to be \$125,345.29 in fees and \$1,343.93 in disbursements.

CASE STATUS

5. As of June 29, 2018, there is \$15,304,128 on hand in Receiver accounts, with approximately \$6,308,887.64 having been distributed to investors with allowed claims (not all checks having cleared). The process of issuing first distribution checks representing 10% of allowed claim amounts to investors is continuing as investors provide missing information or signed documents as requested by the Receiver. First, Second and Third motions to expunge duplicate paper claims and otherwise objectionable claims have also been filed. All post-Receiver obligations are current and paid on a current basis other than the amounts sought in professional fee applications. The monies on account in the Receiver's accounts are unencumbered. When this estate was commenced in April 2010, there was \$485,491.63 on hand.

6. Currently, the investor and creditor claims bar date and the equity claims bar dates have passed following the successful administration of claims notice procedures. Judgments in favor of the SEC in its action against David L. Smith, Lynn Smith, the Smith Trust, Geoffrey Smith, Lauren Smith and Timothy McGinn were entered in June and July 2015. The Second Circuit upheld those judgments in a decision on April 18, 2016.

7. There are approximately \$124,123,595 in investor claims, some of which will be subject to objection or various grounds. If the objections are sustained, net claims appear to be in the range of \$100,506,405 subject to final Court approval. At present, it appears likely

that additional collections to further increase investor recoveries are possible, although they remain subject to negotiations and contingencies.

8. A Plan of Distribution was filed on December 30, 2015 (Docket No. 847), and a Memorandum-Decision and Order approving the Plan of Distribution was entered on October 31, 2016 (Docket No. 904).

9. The SEC's Standard Fund Accounting Reports are attached to this Application as **Exhibit C**.

SUMMARY OF ACTIVITIES DURING TENTH INTERIM PERIOD

10. While the legal, non-legal and quasi-legal functions and services performed during the Tenth Interim Period are described in greater detail below and in the detailed time and disbursement records attached as Exhibit B, this executive summary is provided to highlight some of the activities and accomplishments during this period.

11. From a cash perspective, the beginning balance of the Receiver's accounts as of June 30, 2017 totaled \$21,350,921, and at the end of the period (December 29, 2017), the balance was \$16,672,299. The successful sales of various businesses previously operated by the Receiver took place in prior periods. Interest income contributed to the maintenance of account values and to pay operating expenses of the Receivership in this period. Account balance differences are due primarily to investor distributions.

12. On July 19, 2017, pursuant to prior Court Order, the Receiver filed a Third Written Status Report of the Receiver, a copy of which was posted to the Receiver's website.

13. In August 2017, checks began to be mailed to investors following the District Court's Order on August 9, 2017 (Docket No. 929) authorizing the issuance of checks to investors without further Court Order.

14. On September 21, 2017, the Receiver filed a motion to disallow duplicate paper claims of investors, since investors with allowed claims who agreed with the claims granted to them by the Receiver in 2012 did not need to file paper claims. The Receiver filed the motion in order to assure that only one claim for each investment was allowed and paid. Subsequently, the Receiver has been receiving and processing letters from those investors withdrawing duplicate paper claims, and, thus, allowing those claims to be processed and paid.

15. During the Application Period, the Receiver filed 20 Distribution Payment Schedules as reflected on the Docket of the Court, and paid those Scheduled amounts to investors.

16. First distribution checks are being issued to investors, or IRA custodians on behalf of investors. The checks represent 10% of allowed claim amounts, and that process is continuing as investors provide additional missing information or signed documents as requested by the Receiver. As stated previously on the Receiver's website (www.mcginnsmithreceiver.com), it is estimated that total distributions to investors with allowed claims will range between approximately 13.5 to 21.7 percent.

17. Beginning with the Twentieth Payment Schedule of First Investor Distributions (Docket No. 968), Investors who received collateral recoveries had their claim files reviewed for eligibility for first distribution payments, and collateral recovery investors began receiving first distribution checks.

18. Oral argument was held on August 15, 2017 in the appeal of the SEC's administrative action against certain former McGinn Smith brokers. The Commission's decision is awaited.

19. As is true in all periods, the Receiver continued to deal with various day-to-day issues involving the operation of the estate, the review, calculation and allowance of investor claims, responding to numerous investor claims and questions, and the collection of remaining assets including in Crystal Springs North participation.

COMPENSATION FOR LEGAL SERVICES

20. The legal services rendered by Phillips Lytle during the Tenth Interim Period have been categorized into twenty-two (23) separate categories (Categories A through W), as described below:

A. Asset Analysis and Recovery

No services were charged to or rendered by Phillips Lytle in Category A during the Tenth Interim Period.

B. Claims Administration and Objections

Category B relates to numerous and continuous communications with multiple investors respecting issues involving their specific claims; preparation and causing mailing of investor letters, Investor Questionnaires and W-9 forms to investors; receipt and cataloging of returned Investor Questionnaire packets; ongoing review of received Investor Questionnaires for approval process; extensive research regarding basis to object to investor claims and procedure therefor; preparation and filing of the Fourth through Nineteenth Payment Schedules of First Investor Distribution and the Twentieth Payment Schedule of First Investor Distribution (Collateral Recovery Investors), attend to mailing of first investor distribution checks to investors, and attend to ongoing review and updating of McGinn Smith Receiver's website.

In rendering the services in Category B, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$75,582.50, plus \$323.43 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	108.90	485.26	52,845.00
Holly A. Beecher	0.30	336.67	101.00
Nickolas Karavolas	5.20	340.00	1,768.00
Kenneth A. Grossberg	0.30	230.00	69.00
Catherine N. Eisenhut	101.30	205.00	20,766.50
Karen A. Kawczynski (P)	0.20	165.00	33.00

C. Asset Disposition

Category C relates to efforts in conjunction with the SEC relating to the sale of the Smith Saratoga home which has been delayed due to the restitution judgment, which the Department of Justice will only release when a subset of victims receive their total judgment recovery.

In rendering the services in Category C, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$12,905.50, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	26.10	489.46	12,755.00
James J. Contino	0.10	430.00	43.00
Pamela C. Kepfer (P)	0.50	175.00	87.50

D. Business Operations

No services were charged to or rendered by Phillips Lytle in Category D during the Tenth Interim Period.

E. Case Administration

Category E is a “catch all” category consisting of services performed by Phillips Lytle in connection with this action and primarily consists of services performed which do not fit within one of the other 22 specific categories.

During this time period, this category consists of essentially all of the day-to-day work for the Receiver and his professionals and the handling of the legal affairs of the 82 entities which were initially placed into Receivership by this Court’s Preliminary Injunction Order (Docket No. 96). The detailed descriptions attached include communications and correspondence regarding review and discussion regarding National Financial Services, dealing with various business issues arising in the ordinary course of business, matters relating to financial statement and insurance issues, various legal inquiries and questions raised by the SEC concerning the Receivership and SFAR reports; dealing with insurance issues and questions; communications with H Rittberg regarding settlement of Crystal Springs North Participation Agreement, reconciliation of claim, and attend to deposit of proceeds check regarding same; work on issues regarding Timothy McGinn life insurance policy; preparation of and revisions to anticipated investor letter and Investor Questionnaires and work with mailing house regarding same; research regarding Plan objections; dealing with issues relating to 401K wind downs of Timothy McGinn and David Smith; communications with M&T Bank, KeyBank, Kinderhook Bank regarding existing accounts extensive communications with investors on legal questions, and continued review and updating of McGinn Smith Receiver website.

In rendering the services in Category E, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$21,850.00, plus \$136.29 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	45.00	484.82	21,817.00
Karen A. Kawczynski (P)	0.20	165.00	33.00

F. Employee Benefits/Pensions

Category F relates several communications with Pension Works representatives regarding the termination/rollover of plans (Form 5500) and related matters.

In rendering the services in Category F, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$96.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	0.20	96.00	96.00

G. Fee/Employment Applications

No reimbursement is sought at this time for services charged to or rendered by Phillips Lytle in Category G during the Tenth Interim Period.

H. Fee/Employment Objections

No services were charged to or rendered by Phillips Lytle in Category H during the Tenth Interim Period.

I. Accounting/Auditing

No services were charged to or rendered by Phillips Lytle in Category I during the Tenth Interim Period.

J. Business Analysis

No services were charged to or rendered by Phillips Lytle in Category J during the Tenth Interim Period.

K. Corporate Finance

No services were charged to or rendered by Phillips Lytle in Category K during the Tenth Interim Period.

L. Data Analysis

No services were charged to or rendered by Phillips Lytle in Category L during the Tenth Interim Period.

M. Status Reports

No services were charged to or rendered by Phillips Lytle in Category M during the Tenth Interim Period.

N. Litigation Consulting

No services were charged to or rendered by Phillips Lytle in Category N during the Tenth Interim Period.

O. Forensic Accounting

No services were charged to or rendered by Phillips Lytle in Category O during the Tenth Interim Period.

P. Tax Issues

Category P consists of services related to conversations in connection with tax issues related to Plan distributions, tax return preparation and certain financial statement issues; communications and conferences regarding Receiver distributions; and, a substantial amount of time in this category relates to the review and approval of a significant number of IRS and New York State tax returns, various other tax forms and dealing with tax and financial professionals on tax issues.

In rendering the services in Category P, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$5,481.50, plus \$39.81 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	7.30	484.11	3,534.00
Kelly E. Marks	6.20	314.11	1,947.50

Q. Valuation

No services were charged to or rendered by Phillips Lytle in Category Q during the Tenth Interim Period.

R. William J. Brown, as Receiver Function

Category R consists of services related to the function of William J. Brown, as Receiver in his capacity as Receiver. These services, per prior agreement with the SEC, are rendered at \$225 per hour. Thus, while the accrued amount would otherwise be \$27,972.00, the discounted amount to be paid is \$15,187.50. All of the Receiver's travel time is charged to this category and, thus, is at a substantially reduced rate. Travel time is also charged at one-half of the total time travelled unless work associated with these estates is being conducted at that time.

The daily time entries reveal the Receiver's almost daily involvement with the various Receiver entities identified in the various descriptions including for this Application Period almost daily communications with investors to answer questions about assets recovered, the claims process, asset distributions to creditors, weekly review, processing and approval of payments to vendors and other third parties for services rendered to Receiver operating companies, review and authorization of payroll, review of communications from investors and SEC regarding various and ongoing matters, travel to Albany, New York for supervision of partial records destruction at 99 Pine Street location, review of bank statements and accounts, review and deal with NFS statements and Dinosaur Securities statements; maintenance of website and updating of same, review of National Life Insurance annual reports, dealings with the various banks at which operating entities of the Receivership estates maintain accounts, the review of checks and invoices for payment on a weekly basis for those various operating businesses, various conference and communications regarding opening of new KeyBank and Five Star Bank accounts and negotiation of interest rates, conferences with third parties regarding claims and related issues, review and deal with Mass Mutual statements, attend to weekly review of payroll requests and substantiation for same, numerous investor communications both by phone, in writing and e-mail, attending to various investor letters.

In rendering the services in Category R, the Receiver expended the time represented below at the hourly rates represented below for a total value of \$27,972.00, plus \$844.40 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	67.50	414.40	\$27,972.00 (to be billed and paid at \$15,187.50)

S. SEC vs. McGinn, Smith & Co., Inc., et al.

Category S consists of services related to legal involvement in the SEC’s action against McGinn, Smith & Co., Inc. and other parties including review of pleadings, conferences regarding same, review of criminal dockets; communications with SEC regarding Third Status Report of Receiver; communications with District Court regarding interpretation of Text Order regarding Plan distributions to investors; communications with the U.S. Attorney’s Office regarding victim list and investor claim numbers and discussions regarding collateral recovery rules; discussions with SEC regarding filing of motion to expunge duplicative paper claims; review of docket for Order regarding same.

In rendering the services in Category S, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$3,174.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	6.60	480.91	3,174.00

T. W.J. Brown, as Receiver of McGinn Smith & Co., Inc. vs. Thomas E. Livingston

No services were charged to or rendered by Phillips Lytle in Category T during the Tenth Interim Period.

U. Sale of McGinn Niskayuna Property

No services were charged to or rendered by Phillips Lytle in Category U during the Tenth Interim Period.

V. Sale of Smith Vero Beach Property

No services were charged to or rendered by Phillips Lytle in Category V during the Tenth Interim Period.

W. David L. & Lynn A. Smith Irrevocable Trust

No services were charged to or rendered by Phillips Lytle in Category W during the Tenth Interim Period.

X. USA vs. McGinn, Smith & Co. Inc.

No services were charged to or rendered by Phillips Lytle in Category X during the Tenth Interim Period.

Y. William J. Brown, as Receiver for Third Albany Income Notes, LLC vs. David Kennedy and Stephen I. Willis

No services were charged to or rendered by Phillips Lytle in Category Y during the Tenth Interim Period.

REIMBURSEMENT OF EXPENSES

21. Photocopies made by Phillips Lytle are billed by Phillips Lytle at \$.10 per page, which is based upon Phillips Lytle's costs. Telefax charges are \$1.00 per page for outgoing documents, with no charge for incoming documents. Long distance telephone charges and overnight courier charges are billed at cost. Overnight courier charges are incurred only when necessary as determined by either the Receiver or Phillips Lytle. In addition, there are the usual disbursements of such items as long distance telephone charges, duplicating charges, and UPS charges for checks received and sent to Receivership businesses.

22. Phillips Lytle incurred out-of-pocket expenses for secretarial overtime in connection with this case. These amounts have been written off and no claim for reimbursement of such expenses is being sought herein.

PARTICULAR EXPENDITURES

23. During the Tenth Interim Period, there were no substantial charges to report.

CONCLUSION

24. All of the services for which Phillips Lytle now seeks compensation were performed on behalf of the Receiver. No services were performed by Phillips Lytle in any capacity other than as counsel to the Receiver.

25. Phillips Lytle has provided the SEC with copies of Phillips Lytle's and the Receiver's billing statements attached as **Exhibit B**. Following its pre-filing review of this Fee Application, the SEC has notified Phillips Lytle and the Receiver the SEC has no objection to the amounts sought by Phillips Lytle or the Receiver pursuant to this Fee Application.

26. As the record in this action clearly indicates, Phillips Lytle has worked persistently and efficiently during the Tenth Interim Period to handle various issues for the Receiver, the resolution of which will, to varying degrees, enhance the fair and equitable distribution of the McGinn Smith Entities' proceeds to its creditors. This action has mandated a considerable expenditure of Phillips Lytle resources.

27. Based upon the foregoing, Phillips Lytle and the Receiver represent that they are entitled to the interim compensation and reimbursement of expenses sought herein.

28. Phillips Lytle and the Receiver believe that this Fee Application substantially complies with the substantive requirements of the guidelines for fee applications adopted by the SEC.

NOTICE

29. Notice of this Fee Application is being served on the SEC and all parties who have filed a Notice of Appearance in this action. Additionally, it has been posted on the Receiver's website (*www.mcginnsmithreceiver.com*) for all investors and creditors to see. Phillips Lytle and the Receiver submit that no other or further notice need be given.

WHEREFORE, Phillips Lytle and the Receiver respectfully request that this Court enter an order allowing and approving Phillips Lytle's and the Receiver's Application for (i) interim compensation in the amount of \$125,345.29, and reimbursement of expenses in the amount of \$1,343.93, for a total of \$126,689.22 for the period of July 1, 2017 through December 31, 2017; and (ii) granting such other and further relief as is just and proper.

Dated: August 3, 2018

PHILLIPS LYTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)

Catherine N. Eisenhut (Bar Roll #520849)

Attorneys for the Receiver

Omni Plaza

30 South Pearl Street

Albany, New York 12207

Telephone No. (518) 472-1224

and

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125 Main Street

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Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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Plaintiff, :

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LAUREN T. SMITH, and NANCY McGINN, :

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LYNN A. SMITH and :
NANCY McGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

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**DECLARATION OF WILLIAM J. BROWN IN SUPPORT OF TENTH INTERIM
APPLICATION OF PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Pursuant to 28 U.S.C. §1746, William J. Brown declares, under penalty of perjury,

as follows:

1. I am a partner with the law firm of Phillips Lytle LLP (“Phillips Lytle”) and am also the Receiver (“Receiver”) appointed in this action for certain of the Defendants and other entities.

2. I make this declaration in support of the Tenth Interim Application of Phillips Lytle and of the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Application”) in connection with Phillips Lytle’s representation of the Receiver in this Case and the Receiver’s services.

3. I have reviewed the Application and, to the best of my knowledge, information and belief, the facts set forth therein are true and correct.

4. The billing rates being charged by Phillips Lytle in connection with the Application are those which were customarily charged by Phillips Lytle during the time periods in question and are comparable to those charged by other firms of comparable size and experience in this geographic area for the prosecution of matters similar to this action. Pursuant to prior agreement, in my capacity as Receiver, I agreed to charge an hourly rate of \$225 rather than my 2017 hourly rate of \$480.

5. The compensation and reimbursement of expenses (“Interim Compensation”) for which allowance is sought by Phillips Lytle and the Receiver is reasonable and is sought for actual and necessary services rendered by Phillips Lytle and the Receiver, together with actual and necessary expenses advanced by Phillips Lytle, on behalf of the Receivership entities.

6. The Interim Compensation sought by Phillips Lytle and the Receiver is based upon the nature, the extent and the value of the services rendered. These matters are detailed more particularly in the time itemizations attached to the Application as Exhibit B.

7. Phillips Lytle and the Receiver believe they are entitled to Interim Compensation based on the considerable expenditures of Phillips Lytle and Receiver resources incurred since the onset of this action.

8. Phillips Lytle and the Receiver have no agreement directly or indirectly and no understanding exists with any other person or entity for the sharing of compensation to be received for legal or other services rendered in this action, except as such compensation may be shared by and among the attorneys of Phillips Lytle.

Phillips Lytle and the Receiver respectfully request that this Court authorize the allowance of the Interim Compensation sought pursuant to the Application.

Dated: August 3, 2018

/s/ William J. Brown
William J. Brown

Doc #01-3116187.1

Exhibit B

CATEGORY B

CLAIMS ADMINISTRATION AND OBJECTIONS



Phillips Lytle LLP

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William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
 Buffalo, NY 14203

Invoice Number 946115
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00001
 W J Brown

Re: CLAIMS ADMINISTRATION & OBJECTIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/03/17	WJB	Review claims 6412-6420, 6423-6426, 6427-6430	0.6
07/06/17	WJB	Conference CNE re questions re claims allowance process in specific situations	0.1
07/06/17	CNE	Review and dispose of claims numbers 5908, 6085-6089, 6387-,6392; 6402; 5493; 5960-5965; 4912; 6931-6942; 6750; 6752-6753; 6758; 6753; 6766-6769; 6770	1.3
07/07/17	WJB	Review draft Fourth Payment Schedule of First Investor Distribution and approve same and prepare notice of filing and attend to filing of same	0.6
07/07/17	CNE	Review and dispose of claims numbers: 5758-5761; 5766; 6643-6646; 6630-6641; 6642; 6689; 6690-6696; 6697; 6698; 6702; 6709; 6711-6713; 6714; 6715; 6716-6721; 6745-6749; Confer with WJB regarding same	2.0
07/10/17	WJB	Review letter from L Sharkey, Esq. re estate of J Schmidt and enclosed Death Certificate and Letters Testamentary, review same, approve and process same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/10/17	CNE	Review and dispose of claims numbers: 4574; 4583; 4584; 4585; 4586-4587; 4588; 4590; 3361-3363; 4594; 4602-4604; 4605-4612; 4613-4625; 4626; 4628; 4632-4636; 4638-4639; 4641-4642; 4644-4646; 4649; 4650; 5926-5928; 5921-5922; 5925; 5929-5934; 5940; 5919; 5920; 5941-5942; 5949-5955; 5968; 5973; 6004; 6002; 6003; 6005; 6007-6011; 6013-6015; 6017-6029; 6036-6038; 6039-6040	4.1
07/11/17	WJB	Review D Syrdal letter re investor questionnaire duplicate submissions returned	0.1
07/11/17	WJB	Review Claim #5146 including review of paper claim expungement letter	0.2
07/11/17	WJB	Review and sign-off on four Investor Questionnaires and W-9 form follow-up letters	0.1
07/11/17	WJB	Conference A Bard, N Garrison re scheduling of M&T distribution account opening, coordination re checks to make distribution payments	0.3
07/11/17	WJB	Review letter from J Belcastro re multiple address corrections and consider process for same	0.1
07/11/17	CNE	Review and dispose of claims numbers: 5479-5484; 5507; 5511; 5509; 5510; 4600; 5514-5515; 5516; 5517; 5518; 5519; 5528-5530; 5531; 5532; 5533; 5534; 5535; 5538; 5539; 5540-5545; 5546; 5562; 5547-5551; 5556-5561; 5552; 5563-5566; 5553-5555; 5570-5576; 5577; 5578-5579; 5580; 5581-5584; 5607; 5606; 5586-5590; 5608; 5585; 5591-5593; 5594-5595; 5596; 5597-5605; 4320; 4323; 4324; 4325-4337; 4338-4339; 4341-4343; 4349; 4350; 4354; 4355; 4356-4357; 4358-4359; 4364-4365; 4366; 4367; 4368-4369; 4370-4372; 4373-4374; 4375-4380; 4389; 4393-4396; 4400; 4398-4399; 4401; 4405-4406; 4411; 4407-4410; 4414-4416; 4413; 4417; 4460; 4458-4459; 4455-4457; 4454; 4451; 4447; 4448; 4446; 4445; 4443-4444; 4437-4442; 4422; 4418-4421	4.3
07/12/17	WJB	Telephone call from R Rabinovitz re C Pinto and claim process	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/12/17	CNE	Review and dispose of claims numbers: 4423-4425; 4426-4436; 5041; 5042; 5043-5047; 5048-5050; 5051-5059; 5060; 5061; 5062-5063; 6204-6205; 5064; 5073; 5074; 5075-5076; 5077; 5078; 5080-5087; 5088-5089; 5090-5092; 5093-5099; 5038-5040; 5028-5037; 5027; 5020-5026; 5015-5019; 5014; 5013; 5003-5005; 5009-5012; 5006-5008; 4999-5001; 4998; 4991-4997; 5719; 5720-5722; 5718; 5723-5728; 5729-5732; 5733-5736; 5738; 5740; 5741-5743; 5745; 5752; 5749; 5751; 5753; 5754-5755; 5757; 5762-5765; 5770-5772; 6653-6654; 5774; 5802; 5824-5825; 5827-5828; 5829-5831; 5832-5835; 5836-5838; 5839-5844; 5803-5811	3.7
07/13/17	WJB	Review and approve claims 5147, 5148, 5149, 5150, 5151; Prepare letter re claim 5303 concerning paper claim and withdrawal	0.4
07/13/17	CNE	Review and dispose of claims numbers: 5781-5795; 4651-4653; 4655-4658; 4659-4661; 4662-4672; 4675; 4978; 4676; 4677-4679; 4699; 4700; 4701-4705; 4707; 4708-4710; 4711-4720; 4721-4724; 4725-4726; 4727-4731; 4732-4733; 4735; 4737; 4740-4741; 4743; 4744-4745; 4746-4748; 4750; 4754; 4751-4752; 4765-4767; 4772-4773; 4774-4775; 4776-4777; 4951-4961; 4969-4972; 4973-4975; 4976; 4977; 4979-4980; 4983-4989; 4990; 5102-5108; 5101; 5116-5122; 5109; 5132-5133; 5134; 5110-5114; 5123-5124; 5125-5128; 5129-5130; 5131; 5135	3.2
07/14/17	WJB	Review and approve letters re claims information needed from investors, sign same and distribute	0.1
07/14/17	WJB	Conference staff re pending questions re claims	0.1
07/14/17	WJB	Review claim 5295 and determination that it needs IRA trustee name and address and prepare letter re same	0.2
07/14/17	WJB	Review various investor letters providing Death Certificates and Letters Testamentary and Marriage Certificate and approve same	0.1
07/14/17	WJB	Review and approve Fifth Distribution list and post same and file with Court	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/14/17	CNE	Review and dispose of claims numbers: 5136; 5139-5145; 5154-5155; 5156; 5855-5857; 5859-5860; 5861-5862; 5863-5865; 5867; 5866; 5870; 5871-5873; 5874-5874; 5876-5881; 5882; 5883; 5884; 5886-5887; 5888; 5889-5892; 5893-5896; 5897; 5898-5899; 5900; 5901-5907; 5911-5918; 6135; 6138-6142; 6144; 6145; 6146-6150; 6151-6157; 6158; 6159; 6164; 6166; 6167; 6176-6185; 6168-6175; 6186-6188; 6192-6193; 6190-6191; 6210-6211; 6212; 6213-6220; 6221-6226; 6227-6231	3.1
07/17/17	WJB	Telephone call from R Perkins re M Parnell claim and need for original Death Certificate and Letters Testamentary while on call re same	0.2
07/17/17	CNE	Review and dispose of claims numbers: 5157-5162; 5163-5170; 5172; 6076-6078; 6280-6284; 6285-6286; 5173-5174; 5176; 5328; 5178; 5179-5182; 5184; 5183; 5185-5186; 5187; 5193-5194; 5195; 5196-5200; 5201-5202; 5203; 5204-5212; 5216-5217; 5218-5225; 5227; 5235-5236	1.4
07/18/17	WJB	Conference CNE re dealing with multiple McGinn Smith claim issues and how to resolve including dealing with trusts, certain investor claims, IRA administration and forms re same	0.3
07/18/17	CNE	Review and dispose of claims numbers: 5237; 5238-5242; 5243-5249; 6110-6111; 6112-6113; 6114-6115; 6116; 6117-6118; 6119; 6120; 6308-6311; 6312; 6122-6123; 6124; 6125-6134; 6104-6107; 6093; 6091; 6090; 6084; 6079-6082; 6069-6071; 6858; 6845-6856; 4121-4122; 6067-6068; 6072; 6065-6066; 6042-6044; 6063-6064; 4553; 4547-4552; 4546; 4539; 4540; 4543; 4544; 4535-4536; 4537; 4538; 4542; 4541; 4545; 4528-4534; 4257; Confer with WJB regarding disposition of claims	3.8

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07/19/17	CNE	Review and dispose of claims numbers: 4461-4462; 4477; 4478; 4486-4488; 4491-4499; 4500-4509; 4513-4517; 4518-4523; 4524-4526; 5250; 5255-5261; 5262-5263; 5264; 5269-5271; 5288-5289; 5291; 5292; 5293-5294; 5304; 5306-5309; 5310-5316; 5314-5320; 5321-5322; 5329; 5326-5327; 5330; 5331; 5333-5334; 5336; 5338; 5344; 5345-5349; 5350; 5353-5354; 5355-5356; 5357; 5358-5359; 5361-5362; 5363-5367; 5369-5371; 5372-5376; 5377; 5378-5379; 5381-5382; 5383-5386; 5387-5393; 6547-6549; 6550-6555; 6560-6561; 6562-6563; 6564-6565; 6566; 6567; 6568-6571; 6574-6581; 6582; 6584-6586; 6588-6589; 6592-6596; 6597-6598; 6599-6608; 6610-6618	4.1
07/20/17	WJB	Review claim 4978 and 4675 and telephone call S Froot re same	0.0
07/20/17	WJB	Review claim 5516 Death Certificate, approve same and prepare letter returning original	0.1
07/20/17	CNE	Review and dispose of claims numbers: 6611-6618; 6619; 6621-6623; 6624; 6625; 6627; 4128; 6626; 4554-4559; 4564-4567; 4568; 4627; 4630-4631; 6232; 6241-6246; 6247; 6248; 6249; 6253-6254; 6250-6251; 6252; 6255-6256; 6257-6258; 6260-6263; 6264; 6290-6291; 6265-6266; 6267-6271	2.3
07/21/17	WJB	Review and finalize claims 5707, 5708 and finalize reply letter re same	0.2
07/21/17	WJB	Review claims 6568-6571 and review correspondence re proper executor of same	0.2
07/21/17	WJB	Prepare letter to claim 5331 re investor questionnaire inconsistencies and revise letter re same	0.2
07/21/17	WJB	Review claims 5009-5012 and prepare letter inquiring into trust and signatory authority	0.2
07/21/17	WJB	Review 5867 and approve same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/21/17	WJB	Review claim 5014 and resolve IRA payment direction; Prepare letter with IRA direction	0.2
07/21/17	CNE	Review and dispose of claims numbers: 5408-5410; 5463; 5464; 5465; 5468; 4701-4705; 6018; 6023; 5658-5660; 5706; 5711-5712; 5518; 5585; 5591-5593; 5510; 5919-5920; 6274-6275; 5469-5478; 6287-6288; 6289; 6292-6297; 6313-6315; 6320; 6321; 6325; 6327; 6328; 6329; 6352; 6331-6337; 5516; 6568-6571	1.8
07/24/17	CNE	Review and dispose of claims numbers 6653; 5956-5957; 6164; 5897; 4737; 6771-6777; 4351; 6783-6784; 6785-6786; 6787-6788; 6789-6791; 6799-6806; 6808-6812; 6813	1.2
07/27/17	CNE	Review claims numbers: 6104-6107; 6621-6623; 5378-5379; 6030-6035; 6814-6830; 6831-6832; 6835-6836; 6838-6839	0.7
07/31/17	CNE	Review and dispose of claims numbers: 5161; 5331; 4445; 4418-4421; 5335; 6920; 5609-5615; 5623-5624; 5625-5632; 5633; 5634-5641; 5642-5653; 5654-5655; 5692; 5695-5699; 5700-5702; 5704; 5703	1.7
08/01/17	WJB	Prepare reply e-mail to investor, E Nemeth, re status	0.1
08/01/17	WJB	Telephone call from L Scarano and locate claim file and review claim 6376 and 6377	0.3
08/01/17	CNE	Review and dispose of claims numbers: 6110-6111; 6493; 6494-6498; 6499-6504; 6505-6507; 6510; 6512-6513; 6514; 6518; 6519; 6520; 6521-6523; 6524-6527; 6534; 6537; 6472-6477; 6480-6483; 6484-6491; 6492; 6431-6433; 6444-6446; 6447-6448; 6449-6451; 6453; 6454-6455; 6456; 6459; 6458; 6461; 6462-6466; 6467-6470; 6421-6422; 6538-6546	2.4
08/02/17	WJB	Conference with CNE re review of numerous claim files on how to deal with issues including change of joint executors, whether IRA payment needs to be made or not, legal format of signatories and other related issues in order to process claims	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/02/17	WJB	Telephone call from J McHugh and review claim file and discussion of paper claim objection or withdrawal	0.2
08/02/17	WJB	Review Claim 6619 discrepancy at \$0 and discuss with CNE and review multiple files re Susquehanna benefit plans and discuss claim name and course of action re same	0.2
08/02/17	WJB	Follow-up on Susquehanna claims issue with CNE	0.1
08/02/17	WJB	Review claims 6110-6111 re name change given joint name	0.1
08/02/17	WJB	Review claim of B Shea and prepare e-mail asking for paydown treatment history and duration of holding claim	0.1
08/02/17	CNE	Confer with WJB regarding status of certain claims; Review claims numbers 5479-5484; 6611-6619	2.2
08/03/17	WJB	Telephone call from B Gallaher at Barclay Damon re representation of Fishers for claims objections and discussion of anticipated process re same	0.2
08/03/17	WJB	Telephone call from D Kaiser, Esq. re IRA question for Parkview Health Services LLC	0.1
08/03/17	CNE	Review and dispose of claims numbers: 5216-5217; 5331; 5262-5263; 6432-6433; 5654-5655; 5642-5653; 6792-6798; 6624-6625; 6627; 4128; 4446; 4408-4410; 6272-6273; 4560-4563; 6186-6188; 6761; 6756-6757; 6727; 6743; 6701; 6659-6662; 6678-6681; 6067-6068; 6072	1.9
08/04/17	WJB	Review B Shea assessment of name identification for Such and Stout and forward investor questionnaires based on same	0.1
08/04/17	WJB	Review claim 6837 and approve Death Certificate	0.1
08/07/17	WJB	Review claim 6091 including Death Certificate and Letters Testamentary, change claim status and allow same	0.2
08/07/17	WJB	Attend to Dr. Patel request for call back on claims status again	0.1
08/07/17	WJB	Review claims 4125 and 4126 for processing	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/07/17	WJB	Prepare letter to Dr. Patel re choice on withdrawal of paper claim	0.2
08/07/17	CNE	Review and dispose of claims numbers: 5754-5755; 6859; 6860-6861; 6865-6866; 6871; 6872-6874; 6895-6896; 6902; 6903-6911; 6912-6918; 4595; 6922-6925; 6926-6929; 6930; 6943; 6944; 6945-6947	0.9
08/09/17	WJB	Review text order on approval of claim distribution schedules and e-mail B Shea on posting and issuance of check in light of same	0.1
08/09/17	CNE	Review and dispose of claims numbers: 6085-6089; 4778; 4909-4910; 4911; 4920-4923; 4913-4919; 4782-4792; 4799-4804; 4806-4813; 4902-4905; 4907; 4827-4856; 4858-4874; 4876	1.1
08/10/17	WJB	Review Death Certificate of J Nernoff III and approve same	0.2
08/10/17	CNE	Review and dispose of claims numbers: 4814-4817; 4878-4881; 4884-4885; 4889-4891; 4892; 6318; 5893-5896; 5653; 5754-5755; 4112; 4233-4235; 4252; 4281; 4344-4348; 4484-4485; 4489-4490	1.6
08/11/17	WJB	Review and deal with issues re D Gustafson claim	0.2
08/11/17	WJB	Review Eighth Distribution Schedule, approve and file same and post to website	0.3
08/11/17	WJB	Revise letter to C Gufstafson re claims analysis	0.2
08/11/17	CNE	Review and dispose of claims nos.: 4128; 6624; 6625; 6627; 5002; 4738-4739; 5065-5070; 5071-5072; 5079; 5115; 5152; 5214-5215; 5266-5267; 5268; 5395-5399; 5431; 5485-5492; 6092; 5974	1.0
08/14/17	WJB	Review D Allard claim 4115-4118, Death Certificate and approve same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/14/17	WJB	Telephone call from P Chapman re questions about how to deal with incomplete Investor Questionnaire	0.1
08/14/17	WJB	Telephone call from B Singleton on behalf of M Singleton re original proof of claim, distributions and taxes	0.2
08/14/17	WJB	Review R Barley Death Certificate and return original to J Barley	0.1
08/14/17	WJB	Review claim 5303, approve and e-mail investor re same	0.1
08/14/17	WJB	Prepare e-mail H Gorino and reply re status of three claims	0.1
08/14/17	CNE	Review and dispose of claims numbers: 4115-4118; 6240; 6396-6397; 6401; 6409; 6435-6443; 6531-6533; 6535; 6609; 6620; 6650; 6649; 6683-6686; 6710; 6782; 6840-6843; 6876-6886; 4934-4937; 4680-4694; 4930-4933; 4926-4929; 4391; 6519; 6860-6861; 6505-6507; 6903-6911	2.2
08/15/17	WJB	Attend to follow-up letters to investors to correct investor questionnaires as to seven claims and need for Death Certificates	0.2
08/15/17	WJB	Review R Barley claim and prepare letter J Barley re documentation	0.2
08/15/17	WJB	Telephone call from M Sokolar re mother's death, no Will or Trust and waiting for Death Certificate to make further decisions on how to proceed	0.3
08/15/17	WJB	Telephone call from B Glover re inability to locate documents for Estate of E Glover and request for instructions on how to proceed	0.2
08/15/17	CNE	Review and dispose of claims 6013-6015	0.2
08/16/17	WJB	Conference CNE re dealing with trust claim, W-9, payee questions and various other questions on claims reviews	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/16/17	WJB	Telephone from M Haimavanthi at SEC re treatment of Dr. Patel claim and forward copies of prior letters to Dr. Patel explaining status of his claim	0.2
08/16/17	WJB	Prepare reply to M Manzi re paper claim	0.2
08/16/17	CNE	Confer with WJB regarding status of certain claims; Review claims numbers 6611-6616; 4926-4929; 4930-4933; 6435-6443	0.9
08/17/17	WJB	Deal with M Manzi claim, research and understand why claim not listed	0.2
08/17/17	WJB	Conference CNE re questions concerning Susquehanna claims	0.1
08/17/17	WJB	Conference CNE re how to deal with Susquehanna equity claim	0.1
08/17/17	WJB	Review Claim 5324 Death Certificate, Letters Testamentary and Investor Questionnaire	0.1
08/17/17	WJB	Review Death Certificate of R Sokolar and letter from M Sokolar re no Letters Testamentary	0.1
08/17/17	WJB	Review B&G Forgea multiple Investor Questionnaires which were re-sent and revised	0.1
08/17/17	CNE	Confer with WJB regarding status of certain claims; Prepare draft letter to investor regarding claim	0.8
08/18/17	WJB	Extended telephone call from C Penchina re foreign addresses, reasons for use of US mail versus e-mail, possible additional claim, method to obtain password retrieval, prepare notes and confirming e-mail, review claims file	0.6
08/18/17	WJB	Review H Wojeik Death Certificate, correct database name, approve joint survivor and return Death Certificate	0.2
08/18/17	WJB	Discuss R Sokolar lack of Letters Testamentary with HAB and method to deal with claim	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/18/17	WJB	Prepare e-mail S Ferlazzo, Esq. in response to letter concerning G&B Forgea claims and IRA's	0.1
08/18/17	WJB	Review and file Ninth Distribution Schedule and update website description	0.2
08/18/17	WJB	Plan: Telephone call to B Shea re plan to mail checks	0.2
08/18/17	CNE	Review and dispose of claims 6912; 6678-6681; 6871	0.2
08/18/17	HAB	Conference with WJB regarding Sokoler proof of right to claim in absence of Letters Testamentary	0.2
08/21/17	WJB	Telephone call from S Ferlazzo re Forgea claims, likely wrong IRA investment allocation; Prepare letter with duplicate investor questionnaires for completion	0.2
08/22/17	WJB	Dr. Chang: Review, locate and respond to R Marquardt e-mail re status of claim	0.3
08/22/17	WJB	Review letter from G Long re Death Certificate and Letters Testamentary and assertion that original Death Certificate was sent in 2012; Review file	0.3
08/22/17	WJB	Conference CNE re revised claim folders and discussion of open issues, analysis and course of action	0.3
08/23/17	WJB	Conference with CNE regarding Gullickson paper claim discrepancy and proposed withdrawal letter, review file, revise letter and review discrepant paper claims	0.3
08/23/17	WJB	Review letter from D Daly withdrawing paper claim and approve same	0.1
08/23/17	WJB	Review Venezia no liability claim, re-check claims file and records and prior e-mails re same	0.2
08/23/17	WJB	Review claim of P Chapman, allow same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/23/17	WJB	Review J Barley claims, absence of Letters Testamentary despite request, extended telephone call with J Barley re claim and memo to file re same	0.4
08/23/17	CNE	Review and dispose of claims nos. 5065; 4445; 5267; 6461; 6493; 5324-5325	0.4
08/24/17	WJB	Manage claim of J Barley including need for evidence of Will and Letters Testamentary	0.1
08/24/17	WJB	Review G Evers 7/25 letter re request for POA concerning claim of M McDowell; Prepare letter to holder of original POA; Prepare letter to G Evers returning original POA and Health Care Proxy	0.4
08/24/17	WJB	Review letter from R Beck withdrawing paper claim and approve	0.1
08/24/17	WJB	Review claims 5204-5212 for review and processing and review Venezia file for combining two separate claim files	0.5
08/24/17	WJB	Discuss four paper claims with staff filed by H Venezia re intent and duplication and course of action	0.1
08/24/17	WJB	Telephone call to G Evers re McDowell claim; Revise two letters re Death Certificate and Letters Testamentary	0.3
08/24/17	WJB	Review and sign four Venezia for withdrawal of paper claims	0.1
08/24/17	WJB	Telephone call from J Barley re commencing probate of husband's estate, value of same and value of claim for estate purposes	0.3
08/24/17	WJB	Attend to W Ferris claim and review letter asking why claim disputed and prepare reply after search of claim file due to preferred Pine Street position	0.3
08/24/17	WJB	Review letter from J Lynch re claim and prepare reply letter	0.2
08/24/17	WJB	Review J&R Robertson claims, process and approve, Claims 6238-6235, Claims 6239, 6237 and 6236	0.3

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08/24/17	WJB	Telephone call from Dr. Patel to check on status of claims, review file and discuss same	0.2
08/24/17	CNE	Review and dispose of claim nos. 5845-5848; 5428-5430; 5204-5206; 5683-5690; 5438-5439; 4412; 5455-5462; 6359-6363; 5849-5851; 6371; 6372-6374; 6379-6385; 6393-6395; 6508; 6628-6629; 6687-6688; 6862-6863; Draft investor letters	4.5
08/25/17	WJB	Prepare e-mail B Shea re claims 6235-6239 re zero liability	0.1
08/25/17	WJB	Review POA received from M Singleton for B Singleton and discuss IRA change with CNE	0.1
08/25/17	WJB	Telephone call from J Meyer re call back on claims analysis	0.1
08/25/17	WJB	Telephone conference with J Meyer re paper claim and prepare letter re same	0.2
08/25/17	WJB	Review M Singleton claim and telephone call to son re confirming claimant is alive and POA still in effect; Prepare letter re need for Investor Questionnaire	0.2
08/25/17	WJB	Conference CNE re questions on multiple claims	0.3
08/25/17	WJB	Review Tenth Payment Schedule, sign off on same and attend to filing and posting	0.5
08/25/17	CNE	Confer with WJB regarding claims status; Draft response letters to investors; Review and dispose of claim no. 6650	1.3
08/28/17	WJB	Attend to E Gault message re different percentage allowed on two different dates and investigate same	0.1
08/28/17	WJB	Conference CNE to deal with incorrect postings question on E Gault claims	0.2
08/28/17	WJB	Review M Topp returned Investor Questionnaire	0.1

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08/28/17	WJB	Prepare letter to K Connell re collateral recovery formulas and amount of claim in response to her inquiry	0.3
08/28/17	WJB	Revise letter to C Connell	0.1
08/28/17	WJB	Conference with CNE re dealing with Letters Testamentary and paper claim of M Ford and review letter re same	0.1
08/28/17	WJB	Review letter from C Morgan regarding claim	0.1
08/28/17	WJB	Review R Morgan claim and Death Certificate received and prepare reply letter	0.3
08/28/17	WJB	Telephone call from L Gullickson re reason for variation in claim amount and paper claim	0.2
08/28/17	CNE	Respond to investor inquiries; Review and dispose of claims 6689; 5625-5632; 5854	1.8
08/29/17	WJB	Conference DNG re providing mechanism to convert database to Quicken so as to provide automated download for issuing distribution checks by B Shea	0.2
08/29/17	WJB	Review R&K Deleonardis letter and response re paper claims; Review claim file and prepare letter withdrawing paper claims	0.3
08/30/17	WJB	Review letter re paper claims to R Deleonardis and approve same	0.1
08/30/17	WJB	Telephone call from M Kenyon re claim and need to call back tomorrow	0.1
08/31/17	WJB	Prepare e-mail to R Deleonardis re having sent letter on paper claim and expecting a response to same	0.1
08/31/17	WJB	Finalize website posting on distribution checks and forward to C Miner for posting	0.3
08/31/17	WJB	Consider how to finalize paper claim objection motion and database	0.1

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08/31/17	CNE	Respond to investor inquiries; Review claim number 5974	0.3
09/01/17	WJB	Conference CNE re D Newcomb Proof of Claim and prepare reply e-mail re forthcoming letter to deal with claim issue	0.1
09/01/17	WJB	Review list of paper claims for objection motion and arrange for redacted and subset list to be prepared for attachment to motion	0.5
09/01/17	CNE	Respond to investor inquires; Review and dispose of claims 5173-5174	0.6
09/05/17	WJB	Review e-mail from M Check and prepare reply re letter being sent re claim status	0.1
09/05/17	WJB	Review N-K draft Memo of Law on basis for claims objection	0.2
09/05/17	WJB	Review D Borgia claim file and allow claim 4320 and address and expunge paper claim	0.2
09/05/17	WJB	Review J&R Bailey claim file and prepare letter confirming status re collateral recovery and confirming husband status	0.2
09/05/17	CNE	Respond to investor inquiries	0.3
09/06/17	WJB	Review, assess and deal with J Sector claim for J Sector	0.2
09/06/17	WJB	Review M Singleton claim (6458), review Power of Attorney and deal with same	0.2
09/06/17	WJB	Review claim of K Bradt re name change and allow claims 4341-4343	0.2
09/06/17	WJB	Review and approve Claim 5511 including Death Certificate review	0.2
09/06/17	WJB	Review Claims 4721-4724 for C Ellis and allow same	0.2

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09/06/17	WJB	Telephone call from P DelSignore re need for original Letters Testamentary and preparation of letter requesting original Letters Testamentary	0.2
09/06/17	WJB	Review e-mail from B Shea re analysis of R/J Robertson claim 6238 with balance at \$0 and review balance of claims	0.2
09/06/17	WJB	Telephone call from D Ferris re status of claim, look up same and explain	0.2
09/06/17	WJB	Review and process claims 4613-4618	0.3
09/06/17	WJB	Review claims 6611-6618 and allow same	0.3
09/06/17	WJB	Conference with staff re E Gault claims correction; Telephone call to E Gault re same and prepare memo to file	0.3
09/06/17	WJB	Review claims of Y Koo and prepare paper claim withdrawal letter to Y Koo	0.2
09/06/17	WJB	Review D Allard claims 4115-4117 and deal with denial of claim 4118	0.2
09/06/17	WJB	Voicemail to W Boardman re no claim	0.1
09/06/17	WJB	Review claims 5829-5831 including review of Death Certificate and approve claims	0.2
09/06/17	WJB	Prepare reply letter to J Lapham re claim allowed	0.1
09/06/17	WJB	Review M Seltzer file and hold same for collateral review	0.1
09/06/17	WJB	Review E Halsey claim and disallow	0.1
09/06/17	CNE	Review and dispose of claims numbers 6379-6385	0.1
09/07/17	WJB	Review and assess claims of C/M Seltzer and prepare letter re disclosure of collateral recoveries	0.3

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09/07/17	WJB	Review claims of E/K Halsey re two claim folders and dispute re zero valued claim in Seton Hall	0.1
09/07/17	WJB	Review and approve Claims 4426-4436	0.3
09/07/17	WJB	Conference with staff re how to handle joint vs individual collateral recovery including review of Plan and provide instructions re processing	0.2
09/07/17	WJB	Telephone call from L Oretsky re paper claim, distribution schedule Five and withdrawal letter process	0.2
09/07/17	WJB	Review P/A Zeppetelli extended letter with paper claims	0.3
09/07/17	WJB	Review claims 5500-5502 and process same	0.1
09/07/17	WJB	Telephone call from M Laakso allowing claims following expungement of paper claims	0.1
09/07/17	WJB	Review W Ferrero file and claims	0.1
09/07/17	WJB	Review A/J Holland investor questionnaire 5295 and prepare letter D Kaiser, Esq. re deficiencies in claim file	0.3
09/07/17	WJB	Prepare revisions to letter to D Kaiser, Esq. re Holland claim	0.1
09/07/17	WJB	Review claims 6076-6078 and process same	0.3
09/07/17	CNE	Respond to investor inquiries; Review and dispose of claims 5824-5825; 6508	0.8
09/08/17	WJB	Telephone conference B Shea, KML5 re PL database for McGinn Smith, updates and process to individual claims and method for accomplishing same, discussion of check issuance process and next steps and course of action	0.5
09/08/17	WJB	Allow two claims following review	0.2
09/08/17	WJB	Deal with Cyril Burn paper claim issue	0.1

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09/08/17	WJB	Prepare letter S Burn with enclosure of paper claims and attempt phone calls to arrange for withdrawal of paper claims	0.4
09/08/17	WJB	Review Eleventh Distribution Schedule, verify and approve and file same	0.4
09/08/17	WJB	Review B Mohr claim and prepare letter re paper claims	0.2
09/08/17	CNE	Respond to investor inquiries	0.1
09/09/17	WJB	Revise letter to B Mohr re paper claim and withdrawal of same to expedite process	0.1
09/09/17	WJB	Review letter from C Hildebrand, paralegal, for G/B Forgea; Prepare reply letter re missing dates and signatures	0.2
09/09/17	WJB	Review original Death Certificate for J Ling Tan and return with letter	0.1
09/10/17	WJB	Review three B Shea e-mails re duplicate addresses and United States Postal Service mailinghouse correction list and whether same is used and process same	0.3
09/11/17	WJB	Revise letter to D Kaiser, Esq. re A Holland claim	0.1
09/11/17	WJB	Review L Levy claim and June 2013 analysis of \$90,000 repayment; Prepare e-mail B Shea requesting further facts re same	0.3
09/11/17	WJB	Telephone call from D Kaiser re A Holland claim and new law office address	0.1
09/11/17	WJB	Telephone call from C Peterson re distribution list, check issuance and e-mail B Shea re checks to her re same	0.3
09/12/17	WJB	Review B Shea e-mail re particulars of L Levy claim and repayment of asserted amount and prepare e-mail re same	0.3
09/12/17	WJB	Revise e-mail to SEC re background facts on L Levy claim for handling of same in light of payment for asserted claim	0.1

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09/12/17	WJB	Telephone call from J Loffredo re equity claim versus investment, intention to send letter summarizing claim and reasons for delay, description of claim process and recovery scenarios	0.3
09/12/17	WJB	Review K McGrath e-mail on L Levy redemption claim, strategies re same and reasons why that approach may not be sufficient	0.2
09/12/17	WJB	Review A Rogers altered form of claims with staff and also review claims of C Seltzer and resolve issues	0.2
09/12/17	WJB	Review D Stoelting e-mail re L Levy e-mails from SEC files exchanged with P Rabinovich and prepare reply e-mail to SEC re how money was transferred in order to effect L Levy redemption	0.4
09/12/17	WJB	Review further SEC e-mails on L Levy relationship with P Rabinovich and funder of L Levy redemption	0.2
09/12/17	WJB	Telephone call from S Paist re why his claim has not appeared on distribution list and explanation of collateral recovery rule	0.2
09/12/17	CNE	Review and dispose of claims numbers 5898-5899; 5955	0.2
09/13/17	WJB	Consider course of action on L Levy claim and voicemail message to D Stoelting re same	0.1
09/13/17	WJB	Telephone call from D Stoelting re how to deal with Kogan and L Levy claims	0.2
09/13/17	WJB	Attend to dealing with Mr. Plummer IRA form question	0.1
09/13/17	WJB	Review Kogan claim for objection basis	0.1
09/13/17	WJB	S Cedar: Review claim file and locate prior correspondence and engage in lengthy conference call with Mr. Cedar re International Alarm, prior correspondence, no claim re CMS, explanation of same and prepare confirming letter	0.7
09/13/17	WJB	Revise letter to S Cedar re claims	0.1

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09/13/17	WJB	Review letter from J Lynch re IRA investment and distribution list and prepare reply re same	0.2
09/13/17	CNE	Review and dispose of claims 5466-5467	0.1
09/14/17	WJB	Telephone call from B Long re Death Certificate and promise to call back with status	0.2
09/14/17	WJB	Review letter from Certilman Balin re Estate of Richard Spier claim file	0.1
09/14/17	WJB	Conference with staff re status of claim file re maintenance, correction and updating of IRA information, checks distributed and revisions to database re same	0.1
09/14/17	WJB	Review R Spier claim file re Death Certificate and letters testamentary and approve same; Prepare letter returning originals and identifying further deficiencies in claim file	0.3
09/14/17	WJB	Review V Gentile e-mail re collateral recovery rule and review Plan, Legal Memorandum and briefs in connection with same and preparation of response	0.6
09/14/17	WJB	Review F Maines claims 5676-5678 and prepare extensive letter re multiple paper claims and other deficiencies to counsel for estate	0.4
09/14/17	CNE	Review and dispose of claims numbers 6845-6856; 6858; 6926-6929; 5428-5430	0.6
09/15/17	WJB	Revise reply to V Gentile re collateral recovery and McGinn Smith claims held by him following up on prior telephone conversation	0.5
09/15/17	WJB	Telephone call from C Dott re extended discussion of collateral recovery rule and broker appeal in SEC proceeding	0.3
09/15/17	WJB	Revise letter to F Price, Esq. re claims of F Maines estate and necessary deficiencies and corrections necessary	0.3

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09/15/17	WJB	Finalize reply e-mail to V Gentile re claims and issues	0.2
09/15/17	WJB	Review M Kogan claim file and telephone M Kogan to confirm no collateral recovery; Prepare letter to confirm same	0.3
09/15/17	WJB	Prepare reply letter to M Check re claims	0.2
09/15/17	WJB	Telephone call from V Gentile re collateral recovery e-mail and discussion of same	0.2
09/15/17	WJB	Review letter from P&G Cote withdrawing paper proof of claim and process same	0.1
09/15/17	WJB	Telephone call from A Forsyth re collateral recovery, discussion of mechanism for same and how claims process works in relation to same	0.2
09/15/17	CNE	Review and dispose of claims numbers 6052-6061; 4448; 4528-4534	0.3
09/18/17	WJB	Review N Schneider claim, approve withdrawal of paper claim and payment to both Executors	0.1
09/18/17	WJB	Review C Loffredo claims and set up 11:30am conference call and check for prior communications; Telephone call from C Loffredo re Proof of Claim and process re same	0.4
09/18/17	WJB	Review Gufstafson letter concerning refusal to deliver original Trust Agreement and alternative approaches, consider same	0.1
09/18/17	WJB	Telephone call from F Price, Esq. re paper claims	0.1
09/18/17	CNE	Respond to investor inquiries; Review and dispose of claims 6084; 5100; 6766-6769	1.6
09/19/17	WJB	Prepare notes re M Sokoler call re trust for R Sokoler; Review Trust Agreement and Will; Prepare e-mail on proceeding under Florida law	0.4
09/19/17	WJB	Conference CNE re C Loffredo claim and disputes	0.1

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09/19/17	CNE	Confer with WJB regarding investor files	0.2
09/20/17	WJB	Discuss R Sokoler Trust Agreement and Will issues with KAG concerning application of Florida law; Revise e-mail on need for Letters Testamentary since no Trust property is included in Schedule of Trust property	0.2
09/20/17	WJB	Revise duplicate claims objection notice of motion, motion, letter and proposed order including declaration	0.3
09/20/17	WJB	Review two e-mails from family of R Sokoler re property interest as claimed in response to letter by Receiver	0.1
09/20/17	WJB	Continue revisions to duplicate claims motion and related pleadings and finalize motion and related pleadings for filing	2.2
09/20/17	KAG2	Conference WJB regarding authority of executor regarding claim; Review Will and Trust agreement	0.3
09/21/17	WJB	Prepare final revisions to motion to disallow duplicative paper claims and attend to filing with Court	0.5
09/21/17	WJB	Follow-up re paper claims motion	0.1
09/22/17	CNE	Review and dispose of claims 5479-5484	0.5
09/25/17	WJB	Telephone call from T Spain, Esq. on behalf of M McDowell and need for probate if Medicare lien is not excessive; Prepare reply letter re value of claims	0.2
09/26/17	K-K	Docket hearing date on motion to duplicate claims	0.2
09/27/17	CNE	Review and dispose of claim number 6120	0.1
09/28/17	WJB	Prepare letter J&E Eidson re necessity to stop payment on one distribution check and re-issue check in correct amount, verify facts and send same	0.2
09/28/17	WJB	Review e-mail reply from J Eidson re subsequent distributions and prepare reply re same	0.1

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09/28/17	WJB	Telephone call from D Benson on behalf of Lastrup claim as disputed and check database re reclassification and dictate instructions	0.2
09/28/17	WJB	Review two JPMorgan payee addresses to confirm that they match to Investor Questionnaires	0.1
09/28/17	WJB	Review Lastrup conversion to allowed claim and review claim file; Prepare letter requesting withdrawal of paper claim	0.2
09/29/17	WJB	Review Purcell \$0 claim with database and discuss same with staff	0.1
09/29/17	WJB	Telephone conference with W Seigford re whether Piaker & Lyons constitutes a collateral recovery and discussion of collateral recovery rule	0.2
09/29/17	WJB	Review Estate of R Spier returned Investor Questionnaire and process same	0.1
09/29/17	WJB	Review letter from T Spain, Esq. re Estate of Mary McDowell re value of claims and prepare reply	0.1
09/29/17	WJB	Two telephone calls from S Froot re M Doyle Citibank IRA and necessary form to accompany check and verify that check had been sent	0.2
09/29/17	CNE	Review documentation for claims 6599-6608	1.0
10/02/17	WJB	Review S Froot claim question and deal with IRA check and form	0.2
10/02/17	WJB	Review C Penchina 9/26 voicemail re duplicate paper claims, review 9/26 e-mail re paper claims, review letter expunging paper claims and prepare e-mail confirming expungement and withdrawal of paper claims	0.3
10/02/17	WJB	Review letter from M Wiener withdrawing paper claims and process same	0.1

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10/02/17	WJB	Evaluate Seltzer claim re collateral recovery	0.1
10/02/17	WJB	Review claims including disputed claims of C Manasse in respect of telephone call	0.1
10/03/17	WJB	Review Claims 5849-5851 and prepare reply e-mail with non-compliance re prior requests concerning information needed for estate	0.4
10/03/17	WJB	Revise letter re paper claim to B Mohr and collateral recovery and Piaker & Lyons rule	0.2
10/03/17	WJB	Review estate of F Maines including B Shea e-mail re reconciling claims; Prepare reply e-mail re draft letter	0.2
10/03/17	WJB	Telephone call from W/P Siegford re sending letter re claims status and prepare letter re Piaker & Lyons as collateral recovery	0.2
10/03/17	CNE	Review and dispose of claims 6516-6517; 5383-5386; 6800; 6052-6061	0.9
10/04/17	WJB	Telephone call from Judge Leonard Weiss at McNamee Lochner re Manasse claim in relations to duplicate paper claim motion, basis for claim objection and attention concerning process going forward and background of Manasse claim and involvement in McGinn Smith	0.5
10/04/17	WJB	Conference staff re B Mohr paper claims, designating of such claims and letter re same	0.1
10/05/17	WJB	Prepare memo to file re telephone conference with Judge L Weiss (retired) on 10/4 re C Manasse claim, dealing with paper claim and eventual claim objection, revise same	0.3
10/06/17	WJB	TT from S Allegreta regarding JAT claim and not pursuing FINRA claim and promise to send letter explaining same to her in order to process investor claims	0.2
10/06/17	WJB	Telephone call from P Marsh re status of investor claim check, check on same and confirm to investor	0.2

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10/06/17	WJB	Review letter withdrawing paper claim from J Hein and process same	0.1
10/06/17	WJB	Review Q Plado letter withdrawing paper claim and process same	0.1
10/06/17	WJB	Review letter from M Kogan confirming no collateral review and process same	0.1
10/06/17	WJB	Review M Englebert letter withdrawing paper claim and process ame	0.1
10/06/17	WJB	Telephone call from M Weinar re explanation of why he answered yes on collateral recovery while there is FINRA claim versus W Lex; Prepare confirming letter re same	0.2
10/06/17	WJB	Prepare letter to Allegretta's re FINRA claim and need to dismiss if claim process is to proceed	0.1
10/06/17	WJB	Review letter from J Farrow re withdrawal of paper claim and process same	0.1
10/09/17	WJB	Review e-mail re M Zwiulich check and prepare instructions re same	0.1
10/11/17	WJB	Review, sign and distribute Investor Distribution checks	0.5
10/11/17	WJB	Review Henry Gorino email regarding missing check; Prepare reply email after verifying file regarding one more claim check to distribute; Arrange same	0.2
10/11/17	WJB	Telephone call from H Czerwiec re claim status and check on same	0.1
10/11/17	WJB	Review and sign investor distribution checks	0.4
10/11/17	WJB	Telephone call from W Seigford re Piaker & Lyons participation and need to either wait or be dismissed including review of Piaker & Lyons dismissal Orders to date	0.2

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10/11/17	WJB	Attend to R Kastraveckas paper claim inquiry, review two database entries and claim file re same and prepare letter with request to withdraw	0.2
10/11/17	WJB	Review Memory Gardens paper claim withdrawal letter	0.1
10/11/17	WJB	Telephone call from H George re status of claims, review database and file in order to respond	0.2
10/12/17	WJB	Review J Farrow file re additional paper claims and consider whether all are being withdrawn by letter	0.1
10/12/17	WJB	Telephone call from Judge Leonard Weiss at McNamee Lochner re Manassee claims; Prepare letter confirming no need to deal with paper claim motion since disputed claims	0.2
10/12/17	WJB	Telephone call from J Zwiulich re status of claim, complicated file and need for review	0.2
10/12/17	CNE	Review and dispose of claims numbers: 5531, 5466-67, 4744-45, 4737, 6083, 5179-82	0.6
10/13/17	WJB	Telephone call from J Barley, review claim file re status in light of 10/12 voicemail and leave voicemail for J Barley re response and prepare notes re collateral recovery	0.2
10/13/17	WJB	Review Thirteenth Payment Schedule including review of M Kogan claims, approve and file same with Court	0.4
10/13/17	WJB	Review two website postings and Thirteenth Schedule as filed with Court	0.1
10/13/17	WJB	Review T/R Loffredo letters withdrawing paper claims, review claims database re all Loffredo claims and process same	0.3
10/13/17	WJB	Telephone call from T Fergas re claim of M Pirnat, review claims folder and discuss collateral recovery concept	0.2
10/13/17	WJB	Review H George file and telephone conference re issue on terminated plan and necessary steps to resolve same	0.2

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10/13/17	CNE	Review and dispose of claims numbers 5596; 5597-5605	0.5
10/16/17	WJB	Review B Shea Excel data sheet with data on payments to preferred investors	0.1
10/16/17	WJB	Review B Mohr letter providing collateral recovery and review same	0.2
10/16/17	WJB	Review letter from C Boutier with Letters Testamentary, review and approve same	0.2
10/16/17	WJB	Review E McKinley returned checks by mail, review database and dictate next steps re forwarding or reissuing checks as needed	0.2
10/16/17	WJB	Review M Favish claim file and prepare e-mail B Shea re IP Investors question relating to claim	0.1
10/16/17	WJB	Prepare letter D Zins, Esq. re L DelSignore estate requiring need for certified original copy of Letters Testamentary	0.2
10/16/17	WJB	Review IP Investors offering in connection with M Favish claim and prepare e-mail B Shea re same; Prepare letter M Favish to confirm equity rather than debt claim and course of action in light of same	0.3
10/16/17	WJB	M Favish: Review and allow claims which are debt claims and deny equity claim	0.2
10/17/17	WJB	Review claims 4539-4544 including Power of Attorney and approve same; Prepare reply letter to M/K Courey re Power of Attorney and claim approval	0.6
10/17/17	CNE	Review and dispose of claim 4315; Respond to investor inquiries	0.8
10/18/17	WJB	Telephone call from B Gallagher Esq. on behalf of Fishers re claim status and pending claims objections	0.2

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10/18/17	WJB	Prepare letter to B Gallagher Esq. confirming Fishers not needing to respond to paper claim motion in light of disputed claim status and process for same	0.2
10/18/17	WJB	Revise letter to B Gallagher Esq. (Fisher counsel) re duplicative paper claims and claims objection process	0.2
10/18/17	WJB	Telephone call from S Furno as advisor to J Timmons re issuance of IRA checks, whether to rollover, reissuance, tax reporting and fact that Receiver does not provide such advice	0.3
10/18/17	WJB	Review 10/17/17 L Levy e-mail and status of claim, review prior e-mails and prepare reply re e-mail policy concerning confidential information and review status and integrity of L Levy claims	0.4
10/19/17	WJB	L Levy: Review claim file and prepare letter re filing false claim and review underlying information re same	0.8
10/19/17	WJB	Review claims 6538-6546 including Letters Testamentary and two Death Certificates and process and approve same	0.6
10/19/17	WJB	L Levy: Finalize and send letter to L Levy inquiring about claim filed falsely based upon prior repayment and forward same to SEC	0.1
10/19/17	WJB	Review claims 4734 and 5854 and allow same	0.5
10/19/17	WJB	Review Fourteenth Payment Schedule, approve and file same with Court	0.2
10/20/17	WJB	Conference CNE re J Rostron claim respecting CMS	0.1
10/20/17	WJB	Telephone call from A Hayes re status of claim and discussion of same	0.2
10/20/17	WJB	Deal with W Stauffer claims and approve same	0.3
10/20/17	WJB	Review inquiry from D Puglisi re check not received and review records re same	0.2

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10/20/17	WJB	Telephone all to A Hayes re discussion of claims and process	0.3
10/20/17	WJB	Telephone call from G Long at Chemung re dealing with negotiation of check based upon payee and endorsement	0.3
10/20/17	CNE	Review and dispose of claims 6290-6291; Respond to investor inquiries	1.6
10/23/17	WJB	Telephone call from H George re partnership claim and prepare letter describing prior pension plan termination and request sufficient legal documents to establish who has authority to request funds from resolved partnership	0.2
10/23/17	WJB	Telephone call from W Smith re how to recover amount from IRA Services and tax loss and inability to provide tax advice but discussion of general factors	0.3
10/23/17	CNE	Respond to investor inquiries	0.7
10/24/17	WJB	Review two investor distribution checks returned by JPMorgan for checks for IRA contribution; Prepare letter investor re course of action for direct deposit	0.3
10/24/17	WJB	Telephone call from F Price Esq. re F Maines file status	0.1
10/24/17	WJB	Review claims of F Maines estate including withdrawal of paper claim; Prepare letter returning original documents	0.3
10/24/17	WJB	Review M Zwiulich claim 6945 for possible error	0.1
10/24/17	WJB	Prepare letter A Hayes re multiple duplicate paper claims and non-Receiver entities	0.1
10/24/17	WJB	Review J Zwiulich claim file for duplicate claim and prepare letter to request expungement	0.2
10/24/17	CNE	Respond to investor inquiries	0.7

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10/25/17	WJB	Continue review of M Favish claim including further review of claim file and evaluation of equity claim in light of his e-mail and deal with holding checks pending change of address letter	0.2
10/25/17	WJB	Review e-mail from J Zwiulich and prepare reply as to timing on reaching \$6 million payment distribution to investors	0.2
10/25/17	WJB	Review e-mail from J Zwiulich and prepare reply re information concerning his claim	0.2
10/25/17	WJB	Review J Mitzel paper claim withdrawal letter and review claims 5832-5835 for allowance	0.2
10/25/17	WJB	Review claim of M Kwasnioski 5499 and approve same	0.2
10/26/17	WJB	Review L Levy response to wrongfully filed claim letter and consider her response in light of perjury issues	0.1
10/26/17	WJB	Review M Schwartz letter withdrawing paper proof of claim and process claim	0.1
10/26/17	WJB	Review claim 4355 including review of original Death Certificate and Letters Testamentary and approve same	0.3
10/26/17	WJB	Forward L Levy explanation letter re improper claim assertion to SEC	0.1
10/26/17	WJB	Review claims 5295-5302 and approve same	0.4
10/26/17	WJB	Review claims 5849-5851 and approve same	0.3
10/26/17	WJB	L Levy: Consider equitable remedies for filing of false claim; Conference CNE re research on available remedies	0.3
10/26/17	CNE	Confer with WJB regarding research assignment; Review and dispose of claims 6401; 5594; 5595	0.2
10/27/17	WJB	Prepare letter to investor Cote re no reply received to Receiver's July letter and need response to process claim	0.1

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10/27/17	CNE	Research regarding equitable remedies	0.5
10/28/17	WJB	E Howe: Review claim file and prepare narrative of claim objection as to RTC, SAI and Atlantis for objection schedule	0.4
10/28/17	WJB	Review claims by Glens Falls National Bank and Trust Company including certified copy of resolution re dissolution and re-registration for beneficial owner, J Loftus and approve claims 5080-5087	0.3
10/28/17	WJB	Review J Riell Revocable Living Trust Agreement copy and prepare e-mail with response to K Riell re Trust Agreement and ability to process claim based upon same	0.4
10/28/17	WJB	Review P McNeely claim including investor questionnaire and approve same	0.1
10/28/17	WJB	Review H/W Dart attorney letter, Order admitting Will to probate and related documents including Death Certificate and process claims 4591-4593	0.4
10/28/17	WJB	Review 4999-5001 and prepare e-mail B Shea to verify same and to add to database missing claim and approve same	0.2
10/28/17	WJB	Review letter from P Juneau re distribution not 10%; Prepare reply letter re amount of distribution following checking schedules	0.2
10/30/17	WJB	Review claim 5775 and allow same	0.1
10/30/17	WJB	Check database and review two letters from C/T Loffredo withdrawing paper claims; Prepare notes approving for contingent withdrawal	0.2
10/30/17	WJB	Prepare letter C/T Loffredo re contingent withdrawal of paper claim because disputed and no need to take action on duplicative claim motion	0.2
10/30/17	WJB	Review 10/30 letter from B Gold re completing forms incorrectly; Prepare reply letter explaining collateral recovery issue	0.2

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10/30/17	WJB	Review D Gold letter requesting investor questionnaire and dictate instructions	0.1
10/30/17	WJB	L Levy: Conference CNE re preliminary research on equitable remedies for filing false claim	0.2
10/30/17	WJB	Telephone call from M Manzi re claim status, review file, review B Shea e-mail on question whether investment redeemed; Prepare memo to file and e-mail B Shea re same	0.2
10/30/17	WJB	Review responsive e-mail from B Shea re M Manzi claim and need to review statement	0.1
10/30/17	WJB	Review two e-mails from W Seigford to D Dean re follow-up on dismissal in Piaker action to allow payment of McGinn claim	0.1
10/30/17	CNE	Research regarding equitable remedies	1.1
10/31/17	WJB	Prepare e-mail B Shea requesting certificate for M Manzi claim in light of question of redemption	0.1
10/31/17	WJB	Review database of information received from B Shea re basis for certain claims objections	0.3
10/31/17	CNE	Research regarding equitable remedies	0.8
11/01/17	WJB	Telephone call from A Hayes re responses to letter re explanation of paper claims	0.2
11/01/17	CNE	Research regarding equitable remedies	0.9
11/02/17	WJB	Review, approve and distribute checks for investor claims 2224-2266	0.7
11/02/17	WJB	Telephone call from L Levy re interpretation of Werksman letter and status of her claim following letter to Receiver re explanation	0.2

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11/02/17	WJB	Telephone call from I Nemeth re collateral recovery and explanation as to how that functions and discussion of how to direct payment to her vs IRA	0.1
11/02/17	WJB	Review returned P DelSignore check and prepare letter for new check as Executor and payment in that capacity	0.1
11/02/17	WJB	Review letter from J Zwiulich withdrawing paper claims and process same	0.1
11/02/17	WJB	Review letter and returned checks from A Wilmarth to reissue checks to her since IRA account is closed; Prepare e-mail B Shea re same	0.2
11/02/17	WJB	Conference CNE re research re untruthful statements on L Levy IQ and attempt to collect unwarranted claim	0.3
11/02/17	CNE	Confer with WJB regarding equitable remedies research	0.2
11/03/17	WJB	Review M Sokoler letter to Court, review claim file and telephone conference with M Sokoler re review of Receiver's prior e-mail and advice concerning using short form probate process in order to resolve claim in light of multiple claimants	0.5
11/03/17	WJB	Further review of R Sokoler letter to Court and re-examination of claim for various approaches	0.4
11/03/17	WJB	Conference HAB to reconfirm advice re use of small probate proceeding for M Sokoler claim	0.1
11/03/17	WJB	Review Sixteenth Payment Schedule, approve and file same	0.2
11/03/17	WJB	Review K Sullivan claim file and telephone conference with K Sullivan re extended conversation re collateral recovery, treatment of same, reasons for same and prepare confirming letter	0.8
11/03/17	WJB	Review and process claims 5015-5019 including reconciliation of all four claims and resolving schedule issues	0.3

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11/03/17	WJB	Telephone call from L Martino re collateral recovery process and calculation and prison sentences of Messrs. McGinn and Smith and release dates	0.3
11/03/17	CNE	Review and dispose of claim 6944	0.1
11/03/17	HAB	Sokoler: Conference with WJB regarding small estate proceeding in Florida	0.1
11/06/17	WJB	Telephone call from J Cote re not having received investors questionnaire in July and report on need for dual signature because joint claim and arrange for resolution of issue	0.2
11/06/17	WJB	Prepare letter J Cote with duplicate Investor Questionnaire and W-9 with instructions for completing based upon prior correspondence	0.1
11/06/17	WJB	Review T Feusner claim material	0.1
11/06/17	WJB	Telephone call from JPMorgan Securities re Roemer claim and questions and discussion about receiving distribution check but not being able to identify account, issue instruction; Prepare memo to file	0.1
11/06/17	WJB	Review letter re George's Chiropractic claims, Form 5500 and Plan adoption agreement re authorization of signatory and resulting allowance of claims	0.3
11/06/17	WJB	Telephone call from J Parker re checking on status of claim file and review same	0.2
11/06/17	WJB	Telephone call from Allegretta lawyer at Eckert Siemens re facts concerning claim and FINRA proceeding and dealing with claim in light of same	0.2
11/07/17	WJB	Prepare e-mail B Shea confirming receipt of latest batch of distribution checks and review same	0.1
11/07/17	WJB	Conference N-K re handling of duplicative claims schedule motion and discussion of breakdown of three schedules	0.2

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11/07/17	WJB	Telephone call from A Carroll at Memory Gardens re claims status and discussion of paper claims	0.3
11/07/17	WJB	Review Krimm claim file and return voicemail on status of claim	0.2
11/07/17	WJB	Conference CNE re review, analysis and resolution of difficult claim files	0.6
11/07/17	WJB	Review claims 5020-5027 and approve same	0.2
11/07/17	N-K	Confer with WJB regarding motion to disallow duplicative claims and related issues; Attention to issues regarding investor claims	0.5
11/07/17	CNE	Respond to investor inquiries; Review and dispose of claims 5207-5212; 4912; 6113; 6112; 6116; 6687; 6688; 5479-5484	2.8
11/08/17	WJB	Identify B Coffin family claims to review and prepare draft e-mail B Coffin to arrange meeting to review original Power of Attorney and revocation of appointment in Albany office	0.2
11/08/17	WJB	Review Claims 5051-5059 following receipt of confirmation from 401K pension advisor that pension trust continues to exist based upon certification from third party administrator, approve and process claims	0.3
11/08/17	WJB	L Butler: Review L Butler claim including certificate, preparation for B Coffin re continuing existence of Power of Attorney, original format and original revocation and effect upon claim	0.3
11/08/17	WJB	Review Seventeenth Payment Schedule, approve same and attend to filing	0.5
11/08/17	WJB	Telephone call from N Schneider re estate of M Ford, review file and advise on payment status	0.2
11/08/17	WJB	Review claim 5974 and prepare letter PAL Realty Trust determining it as equity claim entitled to no distribution at this time	0.3

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11/08/17	WJB	Review Declaration re POA signed by B Coffin	0.2
11/08/17	WJB	Finalize Declaration for POA to be signed by B Coffin on 11/10	0.1
11/08/17	WJB	Prepare letters to attorney for B Malmud re withdrawal of paper claim and review claims website re investor claims	0.2
11/08/17	WJB	Prepare letter to C Scangas re equity claim and no distribution at this time following review of claim	0.2
11/08/17	WJB	Review letter from B Gallagher re representation of Fisher interests and consider course of action re same	0.1
11/08/17	N-K	Review case docket; Review letters filed related to motion to disallow duplicative claims; Prepare draft statement regarding motion to disallow; Review draft exhibits to statement; Review and revise statement	2.4
11/08/17	CNE	Respond to investor inquiries	0.1
11/09/17	WJB	Review draft Statement re duplicate paper claims with break-out of three exhibits and prepare comments to draft revising same and provide to N-K	0.8
11/09/17	WJB	Conference N-K re preparation for duplicate paper claim motion hearing and process of filing supplement with Court	0.1
11/09/17	WJB	Review duplicate paper claim motion supplement to be filed with Court and prepare comments to same	0.1
11/09/17	WJB	Prepare e-mail M Manzi re whether claim has been redeemed	0.1
11/09/17	WJB	Review and approve supplemental certificate of service for supplemental statement in connection with duplicate paper claims motion for accuracy and completeness	0.2
11/09/17	WJB	Review claims data concerning duplicate paper claims, review listings and analysis in preparation for Court hearing	0.3

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11/09/17	N-K	Attention to issues regarding exhibits to statement and claims withdrawn by consent; Attention to revised statement; Review revised statement and amended proposed order; Finalize receiver statement and attachments and coordinate submission of same	1.8
11/10/17	WJB	Meeting with B Coffin to review POA and revocation of prior appointment concerning allowance of claim	0.4
11/10/17	N-K	Prepare email to court chambers regarding receiver statement and upcoming hearing on motion to disallow duplicative claims	0.3
11/13/17	WJB	Review letter from Ilene Nemeth and Robert Nemeth regarding claims and financials, Review data base regarding collateral recovery	0.1
11/13/17	WJB	Review email from N-K regarding no appearance on duplicative claims motions	0.1
11/13/17	WJB	Review Victor Emerson letter regarding change of address and dealing with paper claim and prepare reply letter regarding same	0.2
11/13/17	WJB	Review claim of Lorrie Butler Claim Number 4391; Memo to file regarding November 10th review of documents	0.2
11/13/17	WJB	Telephone call from Ruth Tormes regarding explanation of 10% distribution in relation to check amount deposited by IRA Services and speculation that reduction is due to fees for IRA services	0.2
11/13/17	WJB	Telephone call from Nathan Frenkiel of JPMorgan regarding Cheryl Morgan IRA check, confirm IRA deposit process and discuss same	0.3
11/13/17	WJB	Review letter from Joan Farrow regarding claims, Review file	0.1
11/13/17	WJB	Review returned check from JPMorgan for E Roemer and prepare letter to Ms. Roemer forwarding returned check from JPMorgan	0.2

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11/13/17	WJB	Prepare email Brian Shea regarding reissuing Briggs check to Diane Briggs in capacity as personal representative	0.1
11/13/17	WJB	Review Joan Farrow claims 4744 through 4755 including correspondence, claim file and prepare letter confirming telephone conversation on paper claim, RTC and SAI claims and research RTC involvement with IASG	0.4
11/13/17	WJB	Review November 18, 2017 letter from Mark Anthony regarding distributions, recourse and interest claims	0.3
11/13/17	N-K	Email correspondence with T Burt regarding receiver statement and scheduled hearing	0.2
11/14/17	WJB	Telephone call from Bruce Glover regarding extended conversation concerning need for letters testamentary for Edward Glover, how to obtain and discussion of legal authority for handling claim of deceased individual	0.3
11/14/17	WJB	Prepare follow up email to Bruce Glover regarding confirmation of discussion regarding Edward Glover claim and steps needed to be taken to approve allowance of claim for deceased individual	0.3
11/14/17	WJB	Review and approve claim 5089	0.1
11/14/17	WJB	Telephone call from Ruben Ash regarding duplicate paper claim, explanation of motion regarding same and course of action	0.2
11/14/17	WJB	Review claims 5803 through 5811, approve same and process	0.4
11/14/17	WJB	Telephone call from Patricia Pal regarding questions regarding money at IRA Services	0.2
11/15/17	WJB	Telephone call from Carl Kipper as former McGinn Smith broker and discussion of claims allowance and prepare notes regarding same	0.3

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11/15/17	WJB	Review Moshe Schwartz email regarding status of further distributions and prepare reply including reference to distribution letter accompanying distribution checks	0.2
11/15/17	WJB	Review Exhibit C list to duplicate claims motion and consider same	0.1
11/15/17	WJB	Conference CNE regarding review on processing Exhibit C claims in anticipation of approval of duplicative claims motion by court	0.2
11/15/17	WJB	Telephone call from Barbara Mathesius regarding no receipt of investor questionnaire, review data base and provide instructions on how to obtain same	0.3
11/15/17	CNE	Review claims 4101-4105; 4147-4148; 4909-4910; 4970-4972; 5254; 5355	0.8
11/16/17	WJB	Conference CNE regarding various questions on difficult investor questionnaire	0.2
11/16/17	WJB	Telephone call John Krimm regarding letter concerning claim and discussing what is needed to do on paper claim to process non-paper claim	0.2
11/16/17	WJB	Text messages to and from Brian Shea regarding processing of most recent batch of checks and distribution lists for paper claims	0.1
11/16/17	WJB	Text messages to and from Brian Shea regarding distribution list potential posting regarding paper claims	0.1
11/16/17	CNE	Review claims 5471-5472; 6467-6468; 6480-6481; 6813; Draft correspondence to investors v	2.1
11/20/17	WJB	Review T Kenny letter with Death Certificate and copy of Letters Testamentary and prepare reply requesting original	0.2
11/20/17	WJB	Review letter from V Emerson withdrawing paper claim and approve same	0.1

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11/20/17	CNE	Review and dispose of claims 6862-6863; 4735	0.2
11/21/17	WJB	Conference CNE on how to handle various problem claim files	0.2
11/21/17	WJB	R Thomas: Send check for investor claim for re-deposit	0.2
11/21/17	WJB	Telephone call from K Woods as Executor of D Page re Letters Testamentary and discussion and explanation of collateral recovery rule	0.2
11/21/17	WJB	Telephone call from M Manzi re potential redemption issue on her investment and continuing to check on same	0.1
11/21/17	CNE	Confer with WJB regarding investor files; Prepare correspondence to investors	2.0
11/22/17	WJB	Telephone call from S Kramer Esq. at Eckert Seamens re Allegretta FINRA proceeding	0.2
11/22/17	WJB	Review e-mail from R Macfarlan re timing of investment payments and prepare reply explaining collateral recovery mechanism and timing re same	0.2
11/27/17	WJB	Review legal research materials supporting forthcoming claims objections	0.2
11/27/17	WJB	Telephone call from S Morgan re K-1, Ponzi rules and number of investments	0.2
11/27/17	WJB	Review P McEvoy submission of Death Certificate and completed Investor Questionnaire and return Death Certificate as requested	0.1
11/27/17	WJB	Review and approve P McEvey claim	0.1
11/27/17	WJB	Telephone call from H George re receipt of some but not all checks at IRA custodian and discussion of same following review of file and distribution of checks	0.2

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11/28/17	WJB	Telephone call from B Gold re discussion of collateral recovery rules and examples, review claim file	0.2
11/28/17	CNE	Draft correspondence to investors	0.2
11/29/17	WJB	Telephone call from attorney for Manassee family re claims, listing of claims, need for confidential password, intentions on claim objection and preliminary basis to object to claims and reasons for same, likely treatment of same	0.2
11/29/17	WJB	Telephone call from Dr. Patel confirming receipt of first distribution payments and follow-up questions on successor payments	0.2
11/29/17	WJB	Telephone call from B Mathesius re Investor Questionnaire questions and W-9 form questions for completion and return to Receiver	0.2
11/29/17	WJB	Review Claim 4527 and approve same	0.1
11/29/17	WJB	Review claims 4192 through 4197 and prepare letter re paper claims based upon two direct CMS investments and providing alternatives re withdrawal of paper claim and reasons for same	0.3
11/30/17	WJB	Review Letters Testamentary from Florida for E Czerwiec and Death Certificate and prepare instruction letter to spouse re Investor Questionnaire duplicate being provided	0.2
11/30/17	WJB	Telephone call from C Andrews re claims questions, review file and follow-up	0.2
11/30/17	WJB	Review Eighteenth Payment Schedule, approve same and attend to filing	0.2
11/30/17	WJB	Prepare letter to C Andrews following up phone discussion re withdrawal of CMS claims	0.2
11/30/17	WJB	Telephone call from R Rosenstein re follow-up on distribution check she received and questions re subsequent distributions and interpretation of Receiver's website	0.2

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12/01/17	WJB	Consider database issues and how to revise format to deal with collateral recovery calculations for preservation and future distributions	0.3
12/01/17	WJB	Review B Shea e-mail with amount distributed to investors to date and forward to SEC, compare to internal calculations and e-mail KML5 re same	0.3
12/01/17	WJB	Telephone call from E Roemer re JPMorgan account closed and discussion of returned check with instructions, address issue, and discuss process re same	0.2
12/01/17	WJB	Deal with M Aarons reluctance to send Death Certificate for review for claims process	0.1
12/01/17	WJB	Review R Thomas letter re redirecting IRA deposit and process for same; Prepare e-mail B Shea re same	0.2
12/01/17	WJB	Review letter and check from E Roemer requesting issuance of new check to be issued and prepare letter B Shea re same	0.2
12/01/17	WJB	Telephone call from Dr. Bajwa and provide CMS contact information for his direct claim	0.2
12/01/17	WJB	Telephone call from F Keebler re multiple claims not paid and review same	0.2
12/04/17	CNE	Prepare investor correspondence	0.6
12/05/17	WJB	Telephone call from C Baker asserting McGinn claim, review 2012 database, discuss basis and search claims database	0.3
12/05/17	WJB	Review C Baker claim and no liability and prepare letter re same	0.3
12/05/17	WJB	Deal with F Keebler claim issues	0.2
12/05/17	WJB	Prepare e-mail B Shea for review of F Keebler FEIN claim and re-check same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/05/17	WJB	Prepare letter J Goodhart re need for Death Certificates and Letters Testamentary for both estates after review of claim file	0.4
12/05/17	CNE	Prepare investor correspondence	0.5
12/06/17	WJB	Telephone call from M Weinar arranging 12/8 conference call with L O'Brien re FINRA claim and discuss same on a preliminary basis	0.2
12/07/17	WJB	Telephone call from M Rooter re collateral recovery rule and claim status	0.2
12/07/17	WJB	Review letter from L Weiss, Esq. re C Manasse password and prepare letter re same with password and instructions	0.2
12/07/17	CNE	Prepare investor correspondence	0.1
12/08/17	WJB	Review M Weinar file in anticipation of telephone discussion with him and counsel; Telephone call from M Weinar and discuss collateral recovery possibility vs W Lex and course of action re same	0.3
12/08/17	WJB	Prepare memo to file re telephone conference with M Weinar re call on collateral recovery and claims process	0.1
12/08/17	WJB	Prepare e-mail B Shea re proposal on how to calculate collateral recovery amounts	0.2
12/08/17	WJB	Review letter from Dr. Bajwa re withdrawal of paper claims and approve and process same	0.1
12/08/17	WJB	Review B Gold claim re 11/21/17 letter re collateral recovery calculation which differs from law firm letter calculation	0.1
12/08/17	WJB	Calculate B Gold collateral recovery and consider misrepresentation issue and prepare reply letter reporting on same	0.2
12/08/17	WJB	Conference with staff re six various investor claim questionnaire issues and decisions on status on how to process	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/08/17	WJB	Review claim of J Regan Harris and T Kenney, Executor and analyze claims are the same and prepare e-mail B Shea re same	0.3
12/11/17	WJB	Review letter from W Ferrero re Pine Street conversion; Extended telephone conference with W Ferrero to discuss facts and legal issues with conversion of worthless McGinn Smith investments to Pine Street at par when payments to other investors were not being made	0.8
12/11/17	WJB	Review Pine Street conversion information for W Ferrero and prepare reply letter W Ferrero re summary of telephone conference and understanding that he will pursue information to support his position from accountant	0.6
12/11/17	WJB	Review C Andrews letter withdrawing paper CMS claim and process same	0.1
12/11/17	WJB	Review claim of C Andrew 4124 and process same	0.2
12/11/17	WJB	Review, sign and approve distribution checks 2321 - 2338 and check on T Roemer check re-issuance instructions	0.3
12/12/17	WJB	Revise letter to W Ferrero re Pine Street investment disputed claim	0.1
12/12/17	WJB	Telephone call from W Seigford re Piaker dismissal and how to find information on Receiver's website	0.2
12/12/17	WJB	Review and calculate collateral recovery calculation and distribution process	0.3
12/12/17	WJB	Conference with DHK re 401K and IRA distributions if single check is issued for collateral recoveries and ability for investors to calculate and deposit without tax consequences	0.2
12/12/17	WJB	Review email from S Kohl in HongKong re claim status and prepare reply	0.1
12/12/17	CNE	Review and dispose of claims 4643-4644	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/13/17	WJB	Conference CNE re S Kohl claims and one claim not included in duplicate paper claim motion and form of letter to send re resolution of claims	0.2
12/13/17	WJB	Revise letter to Judge Hummel with revised Order in connection with Exhibit C for paper claims motion	0.1
12/13/17	WJB	Revise letter to Judge Hummel with new Exhibit C and compare schedules to confirm same	0.2
12/13/17	CNE	Draft letter regarding revised Order; Prepare investor correspondence	1.8
12/14/17	WJB	Conference staff re collateral recovery calculations and methodology	0.2
12/14/17	CNE	Prepare investor correspondence; Review and dispose of claims numbers 5717 and 4571	1.0
12/18/17	WJB	Revise letter to S Kohl re claims	0.1
12/18/17	WJB	Telephone call from L McEvoy re re-issuance of check request because decedent on check	0.1
12/18/17	WJB	Further revise S Kohl letter re claims	0.1
12/18/17	WJB	Review McEvoy claim per call from estate representative; Telephone call to L McEvoy re instructions for re-issuance of check	0.3
12/18/17	WJB	Review M/M Mullin-Krimm duplicate claim withdrawal and process same	0.1
12/18/17	WJB	Review claim of M/M Seigford and Order dismissing Piaker & Lyons participation, approve claim	0.2
12/19/17	WJB	Telephone call from S Kramer, Esq. re Allegrettas request for copy of prior letter communications, identify and locate prior letter re claims and collateral recovery	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/19/17	WJB	Telephone call from J Shields re McGinn Firstline Security failed claim disbursement and discussion of why nothing is due	0.3
12/19/17	WJB	Telephone call from L Weiss, Esq. re request for date to discuss Manasse claims and claim objection and discuss settlement	0.1
12/20/17	WJB	Conference CNE re questions concerning various collateral recoveries by investors and claim files	0.3
12/20/17	CNE	Draft investor correspondence; Confer with WJB regarding collateral recovery files; Review and dispose of claims numbers 5496-5497, 4106, 4238-4240, 4245-4246, 4375-4380, 4458-4459, 4461-4462, 4486-4488, 4489-4490, 4554-4559, 4650, 4655-4658, 4677-4679, 4727-4731, 4740-4741, 4951-4961, 5090-5092, 5101-5108, 5116-5122, 5123-5124, 5323, 5350	4.0
12/21/17	WJB	Telephone call from Dr. Bajwa re timing of distribution and taking of tax loss and inability to provide tax advice	0.2
12/21/17	WJB	Telephone call from H Gold for extended call on Investor Questionnaires, discussion of IRA and collateral review and request for Silver Law Firm letter re amount paid as part of collateral review for verification purposes	0.3
12/21/17	WJB	Telephone call from M Manzi re calculation of loss and referral to accountant including explanation of no individual report issued by Receiver re establishment of individual investor losses but referral to website descriptions on total recoveries	0.3
12/21/17	WJB	Prepare form of Notice of filing of payment schedule and form of payment schedule for collateral recovery investors	0.1
12/21/17	WJB	Telephone call from B Evans of Gitlan and Associates on behalf of H Gold re questions re IRAs and recoveries	0.2
12/21/17	WJB	Review Nineteenth Investor Payment Schedule, approve same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/21/17	WJB	Review prior letter to Allegrettas on collateral recovery and forward to S Kramer, Esq. as requested	0.2
12/21/17	WJB	Review letter to M/M Kogan re Proof of Claim review and approve same re funding of L Levy payout	0.2
12/21/17	WJB	Review e-mail from S Kramer, Esq. re FINRA judgment held by Allegrettas and prepare reply re distribution percentages previously communicated and available resources	0.2
12/21/17	WJB	Review and revise form letter requesting missing information for collateral recovery investors	0.2
12/21/17	WJB	Conference with staff re how to chart and record and describe collateral recovery forms and calculations for determination of net collateral recovery payments and credits, review database, review sample claim folders	0.5
12/21/17	CNE	Review and dispose of claims 4192-4197, 5395-5399, 5408-5410, 5485-5492, 5711-5712, 5836-5837, 5839-5844; Draft correspondence to investors	1.8
12/26/17	WJB	Review and sign three collateral recovery letters for statements requested for investors	0.3
12/26/17	WJB	Review letter from investor, B Gold, re collateral recovery amount difference between what he reported and what appears on Silver Law Firm report	0.1
12/26/17	WJB	Review Gvohart claim with documentation for processing	0.1
12/26/17	WJB	Review M/M Spurrier claim and prepare reply re collateral recovery	0.3
12/26/17	WJB	Review Death Certificate and Letters Testamentary for F&J Goodhart and prepare return letter to Ford & Buckham PC returning originals	0.2
12/26/17	WJB	Continue review of M/M Spurrier claims	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/26/17	WJB	Review claim folder of B Gold, process for collateral recovery evaluation	0.1
12/26/17	WJB	Review e-mail from M/M Nixon re status and prepare reply requesting collateral recovery statement	0.2
12/26/17	CNE	Prepare investor correspondence; Review and dispose of claims 5093-5099	0.3
12/27/17	WJB	Review collateral recovery forms and schedule of investor distributions for approval and approve same	0.2
12/27/17	WJB	Review e-mail chain from S Kramer, Esq. re pursuit of FINRA judgment as collateral recovery; Prepare reply e-mail re status of Receiver's position re same (Allegrettas)	0.2
12/27/17	WJB	Review and sign investor distribution checks for Nineteenth Payment Schedule and compare to Receiver records and distribute same	0.3
12/27/17	CNE	Review and dispose of claims 5923-5925, 5936-5939, 5949, 6030-6035, 6036-6038, 6063-6064, 6039-6040; Prepare investor correspondence	1.8
12/28/17	WJB	Prepare e-mail to Chambers with explanation re incorrect exhibits posted to paper claims order and request for substitution	0.3
12/28/17	WJB	Review e-mail from Chambers correcting exhibits attached to Order	0.1
12/28/17	WJB	Conference CNE re two paper claims collateral recovery analysis and review and sign letters re expunging paper claims	0.1
12/28/17	WJB	Telephone call from Merrill Lynch re M McGinn revised IRA payment instructions	0.2
12/28/17	WJB	Review process of claims expunged by paper claims order	0.1

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12/28/17	CNE	Review and dispose of claims 4486-4488, 6079-6082, 6083, 6292-6297, 6444-6446, 6493, 6547-6549, 6564-6565, 6609, 6701, 6574-6581; Draft investor correspondence	1.4
12/29/17	WJB	Review W Strawbridge claim file with CNE re letter for collateral recovery statement and expungement of equity claim	0.1
12/29/17	WJB	Prepare draft check distribution letter to collateral recovery investors incorporating legal admonitions re IRA distributions and reinvestment	0.3
12/29/17	WJB	Telephone call from B Shea re recording collateral recovery entries in database, 2018 tax return planning	0.4
12/29/17	WJB	Review Twentieth Payment Schedule for collateral recoveries, edit and post same	0.3
12/29/17	WJB	Sign and file Twentieth Distribution Schedule for collateral recoveries with Court	0.1
12/29/17	CNE	Review and dispose of claim numbers 6840-6843, 6888-6893, 6872-6874, 6756-6757; Draft investor correspondence	1.2
CURRENT FEES			\$75,582.50

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FOR COSTS ADVANCED AND EXPENSES INCURRED:

Duplicating A1, 34 Page(s)	3.40
Duplicating A1, 34 Page(s)	3.40
Duplicating A1, 9 Page(s)	0.90
Duplicating A1, 4 Page(s)	0.40
Duplicating A1, 2 Page(s)	0.20
Duplicating A1, 26 Page(s)	2.60
Duplicating A1, 24 Page(s)	2.40
Duplicating A1, 3 Page(s)	0.30
Duplicating A1, 2 Page(s)	0.20
Duplicating A1, 65 Page(s)	6.50
Duplicating A1, 33 Page(s)	3.30
Duplicating A1, 19 Page(s)	1.90
Duplicating A1, 14 Page(s)	1.40
Duplicating A1, 10 Page(s)	1.00
Postage WJB - Postage to 'Large Mailing' (8 Pieces) - Re: Claims	11.20
Postage WJB - Postage to 'Various' - Re: Claims	82.11
Duplicating A1, 19 Page(s)	1.90
Duplicating A1, 168 Page(s)	16.80
Duplicating A1, 25 Page(s)	2.50
Duplicating A1, 67 Page(s)	6.70
Duplicating A1, 88 Page(s)	8.80
Duplicating A1, 52 Page(s)	5.20
Duplicating A1, 21 Page(s)	2.10
Duplicating A1, 34 Page(s)	3.40
Duplicating A1, 49 Page(s)	4.90
Duplicating A1, 102 Page(s)	10.20
Duplicating A1, 67 Page(s)	6.70
Postage WJB - Postage to Various (62 pieces) - Re: Claims	99.82
Duplicating A1, 171 Page(s)	17.10
Postage WJB - Postage to Various (10 pieces) - Re: Claims	16.10

CURRENT EXPENSES

323.43

TOTAL AMOUNT OF THIS INVOICE

\$75,905.93

PAYMENT DUE UPON RECEIPT

CATEGORY C

ASSET DISPOSITION



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William J. Brown, Esq.
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 125 Main Street
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Invoice Number 946116
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00002
 W J Brown

Re: ASSET DISPOSITION

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/09/17	WJB	Review J Graubard e-mail on Smith Saratoga home potential claim of exemption; Prepare reply re prior research on abandonment by incarceration	0.1
07/10/17	WJB	Smith Saratoga Residence: Review prior research on exemption and abandonment including N-K 9/1/15 e-mail on research and forward to J Graubard at SEC with background results	0.5
07/10/17	WJB	Smith Saratoga Residence: Review status and consider equity in home	0.1
09/07/17	WJB	Telephone call from D Stoelting re discussion of how to deal with L Smith and counsel on Saratoga house and review prior \$100,000 proposed exemption for settlement purposes and how offer was made	0.2
09/08/17	WJB	Saratoga Residence: Telephone call from D Stoelting re discussion on approach to reintroduce L Smith settlement offer for marketing and sale of Saratoga residence	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/09/17	WJB	Review D Stoelting 9/8 e-mail to W Dreyer and L Owens re Saratoga house proposal and status of same	0.1
09/25/17	WJB	Saratoga Residence: Review e-mail from M Kornstein on status of Saratoga residence disposition; Telephone call to D Stoelting re same; Prepare reply e-mail M Kornstein re new Smith attorney and SEC communications with same	0.2
10/06/17	WJB	Saratoga Residence: Review revised Order for sale received from D Stoelting and prepare reply re same	0.2
10/06/17	WJB	Saratoga residence: Review e-mail from D Stoelting re proposed allocation of proceeds counterproposal received from Smith counsel and consider same and add inspection requirement	0.1
10/06/17	WJB	Saratoga residence: Review D Stoelting response and prepare reply re making order subject to inspection in order to determine Smith's intent to proceed	0.1
10/08/17	WJB	Saratoga residence: Review J Hacker e-mail and prepare e-mail SEC re same	0.1
10/09/17	WJB	Saratoga residence: Prepare e-mail D Stoelting re e-mail to Smith counsel and review bank counsel e-mail on exemptions and prepare reply that exemptions were never part of compromised transactions	0.3
10/10/17	WJB	Review exchange of e-mails between SEC and D&L Smith counsel re sale process, realtor selection and apparent prior listing for sale	0.3
10/11/17	WJB	Saratoga residence: Review M Kornstein e-mail with Citizens Bank proposal; Prepare reply to SEC re need to evaluate	0.2
10/12/17	WJB	Saratoga Residence: Evaluate new M Kornstein proposal on behalf of bank and calculate impact of same and communicate to SEC	0.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/13/17	WJB	Saratoga Residence: Review D Stoelting e-mail with question on net recovery under new Citizens Bank proposal; Review calculations and prepare reply; Prepare e-mail on status of real property taxes to D Stoelting; Prepare e-mail PCK to order tax numbers	0.4
10/13/17	WJB	Saratoga residence: Review tax bills as received from PCK and forward to D Stoelting re tax status on Smith residence	0.2
10/13/17	PCK	Obtain current tax information for 2 Rolling Brook Drive, Saratoga Springs; Forward same to WJB (Saratoga property)	0.3
10/17/17	WJB	Saratoga Residence: Prepare reply e-mail to D Stoelting on period for accrual of interest and expenses based upon M Kornstein e-mail re mortgage lender	0.2
10/17/17	WJB	Revise latest version of Saratoga residence consent sale order; Prepare reply with approval to D Stoelting; Review D Stoelting follow-up e-mail re accrual and consent re filing under seal and reasons for same; Prepare reply re reasons as commercial basis for sealing	0.5
10/17/17	WJB	Saratoga residence: Review D Stoelting e-mail re leaving out accrual and prepare reply re sign-off on form of order	0.2
10/17/17	WJB	Saratoga residence: Review D Stoelting follow-up e-mail re basis for sealing in 2012 and prepare reply re mortgage amounts and advantage to buyer	0.3
10/18/17	WJB	Saratoga residence: Review prior Orders for sealing purposes in response to D Stoelting of SEC questions	0.2
10/18/17	WJB	Saratoga residence: Telephone call from J Conti re listing and appraisal history of Smith Saratoga residence, review multiple listing history and listing information and discussion of local realtors; Prepare e-mail report to SEC re same	0.7
10/20/17	WJB	Saratoga residence: Telephone call from D Stoelting re ordering stub search and benefits of same and also discussion of L Levy claim	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/23/17	WJB	Saratoga residence: Prepare e-mail PCK to order stub search at SEC request	0.1
10/23/17	WJB	Saratoga residence: Review e-mail from PCK re dating of stub search and prepare e-mail SEC re ordering of 2003 stub search	0.1
10/23/17	PCK	Communication with Chicago Title regarding property search and cost/timeframe for same; E-mails to WJB regarding same	0.2
10/24/17	WJB	Saratoga residence: Review title search received from Smith counsel and prepare e-mail SEC re restitution judgment filed by US Attorney's Office and prepare e-mail SEC re restitution judgment filed by US Attorney's Office and impact upon consensual sale	0.3
10/24/17	WJB	Saratoga residence: Conference JJC re USA criminal restitution judgment and impact as to lien on title in light of preliminary injunction order	0.1
10/24/17	WJB	Saratoga residence: Telephone call from D Stoelting, J Graubard re USA restitution lien, alternatives and equity remaining in residence; Follow-up telephone call from D Stoelting on call with Asst. US Attorney	0.4
10/24/17	WJB	Saratoga residence: Telephone call from D Stoelting and review criminal judgment for expiration of judgment after distribution of \$6 million by Receiver and strategy re same	0.3
10/24/17	JJC	Saratoga Residence - Conference with WJB regarding title issue concerning relative priority of civil preliminary injunction against alienation vs. criminal restitution judgment	0.1
10/25/17	WJB	Saratoga residence: Review J Graubard e-mail on timing of reaching \$6 million payout to release US Attorney restitution lien and prepare reply with response	0.1
10/25/17	WJB	Saratoga residence: Review US Attorney's Office restitution lien and D Stoelting draft of e-mail to Asst. US Attorney and prepare reply as to timing on reaching \$6 million payment distribution to investors	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/27/17	WJB	Saratoga residence: Review D Stoelting e-mail with Smith attorney demands concerning payment priority; Prepare illustrations of hypothetical \$860,000 sale and distribution of proceeds based upon same and forward to D Stoelting with recommendation to reject demand for payment of credit card debt assuming same belongs to L Smith	0.5
10/30/17	WJB	Saratoga residence: Review L Smith credit card judgment identified by D Stoelting, cross-check address and prepare reply D Stoelting that judgment is not one against relevant L Smith	0.2
10/31/17	WJB	Saratoga residence: Prepare reply e-mail D Stoelting re drafting of Order to make proceeds payable to L Smith	0.1
11/03/17	WJB	Saratoga residence: Review revised order sent by SEC concerning consent order for sale and prepare comments to D Stoelting	0.3
11/05/17	WJB	Saratoga residence: Review e-mail from D Stoelting re J Hacker e-mail approving filing of consent order but questioning approval of realtor; Prepare reply re need of Receiver to have input in conversation with realtor on listing price	0.1
11/06/17	WJB	Saratoga residence: Review proposed sealing letter to Judge Hummel and prepare comments to D Stoelting re same	0.2
11/06/17	WJB	Saratoga residence: Review process to obtain approval of consent order and next steps for listing of house	0.2
11/06/17	WJB	Saratoga residence: Review final version of consent order approved by L Smith attorney and respond to SEC	0.1
11/13/17	WJB	Saratoga residence: Prepare e-mail J Hacker re scheduling broker meeting and inspection of Smith residence	0.2
11/15/17	WJB	Saratoga Residents: Follow up email James Hacker on attempt to inspect house and meet with broker and consider how to proceed given no response from James Hacker	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/15/17	WJB	Saratoga Residents: Review prior information to establish identity of suggested real estate broker and place call to same to arrange for meeting and inspection	0.2
11/15/17	WJB	Saratoga Residents: Review multiple listing agreement from prior Lynn Smith listing and comparison homes; Prepare notes regarding same; Prepare for telephone call with T Roohan conversation	0.5
11/15/17	WJB	Saratoga Residents: Continue to review comparable home sales and consider listing price	0.3
11/16/17	WJB	Telephone call Thomas Roohan regarding follow up voicemail concerning efforts to contact broker regarding potential listing of Saratoga Residents and information regarding same	0.2
11/16/17	WJB	Saratoga Resiodents: Review David Stoelting email regarding U S Attorney position on release of judgment lien and certification request regarding same; Prepare reply regarding same; Prepare email on Roohan status and status of listing; Prepare reply on waiting for contact information from broker	0.4
11/16/17	WJB	Prepare and modify partial judgment lien release for SEC at their request for use by U S Attorney's office	0.2
11/16/17	WJB	Saratoga Residents: Telephone call from Thomas Roohan regarding potential brokerage listing for Saratoga Residents, state of market conditions, prior history regarding listing of house, prior offers and other necessary information	0.3
11/16/17	WJB	Saratoga Residents: Telephone call from M King regarding arrangements for viewing of house, listing agreement and circumstances of prior experiences with listing of house; Prepare email David Stoelting regarding same and arrange for visit to Smith Saratoga Residents	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/16/17	WJB	Saratoga Residents: Review Assistant U S Attorney Report on potential release of judgment lien and prepare reply with amount disbursed to investors to date including review and calculation of amount dispersed and finalize email regarding same	0.4
11/16/17	WJB	Review Assistant U S Attorney Report on judgment lien release and prepare reply following calculation of amount dispersed to date and review of same	0.4
11/17/17	WJB	Saratoga residence: Prepare for and conference with real estate agent concerning Smith house including prior listing, prior listing experience, reason for sale suspension, comparable sales, condition of house and listing price and strategy especially given holidays, tour Smith house with M King and L Smith	3.5
11/17/17	WJB	Telephone conference with D Stoelting re outcome of visit and inspection of house and meeting with broker including amount needed for calculation for release of restitution judgment taken by US Attorney's office	0.5
11/20/17	WJB	Begin drafting e-mail to US Attorney's office re judgment lien as impairing Smith Saratoga residence sale including review of US Attorney's office brief to Second Circuit and motion to clarify restitution judgment and forward to SEC	0.8
11/28/17	WJB	Saratoga residence: Telephone call from real estate broker re status of listing and explanation of need to make sure title is clear	0.1
11/28/17	WJB	Focus on US Attorney's office judgment lien analysis including review of Second Circuit Brief and analyze ability to obtain release of USA judgment lien in order to accomplish sale; Telephone message D Stoelting re same	0.5
11/28/17	WJB	Saratoga residence: Prepare e-mail D Stoelting re USA lien release analysis and telephone conference D Stoelting re same	0.5

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July 6, 2018

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/29/17	WJB	Saratoga residence: Review USA Second Circuit Brief, restitution judgment and related information in drafting of proposed e-mail to US Attorney's office re basis to release restitution judgment in order to sell residence and allow proceeds to be distributed to investors including calculation of likely sale proceeds based upon stipulated order and market analysis; Prepare e-mail re same and forward to D Stoelting for review and comment	1.6
11/29/17	WJB	Saratoga residence: Continue to review pleadings for investor distribution and restitution judgment release number to justify release of lien	0.2
11/29/17	WJB	Saratoga residence: Telephone conference D Stoelting, K McGrath on how to approach US Attorney's office and suggestion of use of phone conversation to discuss restitution judgment and benefits to investors by releasing same, discussion of facts as outlined in draft e-mail	0.3
11/30/17	WJB	Saratoga residence: Telephone conference D Stoelting, K McGrath following US Attorney call re restitution judgment lien release, basis for discussion and request for information on amount of distributions to date	0.3
12/01/17	WJB	Saratoga Residence: Prepare e-mail D Stoelting with distribution amounts to date for purposes of calculation of amount needed to effect release of restitution judgment	0.2
12/01/17	WJB	Saratoga Residence: Review e-mails from D Stoelting and Asst. U.S. Attorney re U.S. Attorney still considering approval of when restitution judgment would be released and consider next steps	0.1
12/01/17	WJB	Saratoga: Telephone message from L Smith re when house will be listed; Review e-mail from D Stoelting re J Hacker e-mail re same and prepare reply re issue with U.S. Attorney judgment lien	0.3
12/05/17	WJB	Saratoga residence: Prepare e-mail D Stoelting re status of response from Asst. U.S. Attorney re J Hacker questions on why house not listed	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/05/17	WJB	Saratoga Residence: Review D Stoelting reply concerning restitution lien and prepare reply re Smith delay in agreeing to list home last Spring	0.1
12/05/17	WJB	Saratoga Residence: Consider how to handle judgment lien of U.S. and ways to list property for sale given existing judgment lien	0.1
12/07/17	WJB	Saratoga Residence: Consider course of action in light of resistance by U.S. Attorney's Office to deal with judgment lien and analysis of course of action	0.2
12/08/17	WJB	Saratoga Residence: Prepare reply e-mail D Stoelting re potential letter to Court and advice to US Attorney's Office re increasing costs and fact that property has not been listed in accordance with Court Order and consider approach re same	0.2
12/08/17	WJB	Saratoga Residence: Prepare reply e-mail to D Stoelting re notifying Court if inability to list home continues because of U.S. Attorney restitution lien	0.1
12/13/17	WJB	Saratoga Residence: Review e-mail from D Stoelting re approaching court re U.S. Attorney's office position re restitution judgment and prepare reply with suggested approach	0.3
12/14/17	WJB	Saratoga Residence: Review draft D Stoelting e-mail to U.S. Attorney and prepare reply with suggestions re same	0.2
12/15/17	WJB	Saratoga Residence: Review e-mail from J Hacker and prepare reply re listing status	0.2
12/15/17	WJB	Saratoga Residence: Review D Stoelting explanation to J Hacker re status of listing of house and restitution judgment as impediment and review J Hacker reply	0.1
12/20/17	WJB	Saratoga Residence: Review e-mails from and to D Stoelting re conference call to discuss pending and open issues with US Attorney re release of lien	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/21/17	WJB	Saratoga Residence: Telephone conference with D Stoelting, K McGrath for preliminary discussion prior to discussion with Asst. U.S. Attorney; Joint conference call with Asst. U.S. Attorney re release of Dept. of Justice restitution lien and issues re same and follow-up call re same	0.7
12/21/17	WJB	Saratoga Residence: Prepare notes on call with Asst. U.S. Attorney re when Justice Dept will release restitution lien on Smith Saratoga Residence and consider complications re same	0.1
12/27/17	WJB	Saratoga Residence: Review e-mail from M Langdon of U.S. Attorney's Office re IRS amount being included in restitution judgment and consider how judgment could be released if IRS is beneficiary	0.3
12/27/17	WJB	Saratoga Residence: Prepare reply e-mail M Langdon with confidential unredacted investor schedules in order to calculate restitution judgment release and question role of IRS in restitution judgment and release of judgment	0.3
12/27/17	WJB	Saratoga Residence: Revise e-mail M Langdon at U.S. Attorney's Office re IRS as part of restitution judgment and implications of same	0.2
12/27/17	WJB	Saratoga Residence: Review two e-mails from D Stoelting re U.S. Attorney on IRS amount and course of action re same	0.1

CURRENT FEES \$12,905.50

TOTAL AMOUNT OF THIS INVOICE \$12,905.50

PAYMENT DUE UPON RECEIPT

CATEGORY E

CASE ADMINISTRATION



Phillips Lytle LLP

Attorneys at Law
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 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
 Buffalo, NY 14203

Invoice Number 946117
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00004
 W J Brown

Re: CASE ADMINISTRATION

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/05/17	K-K	Docket oral argument date of appeal by brokers in the SEC administrative case	0.2
07/10/17	WJB	Review SEC e-mail on status of broker trial and date for appeal by SEC commissioners and consider whether there is need to attend and prepare e-mail D Stoelting re same as precaution	0.1
07/12/17	WJB	Plan: Review and assess B Shea e-mail on Plan categories for expungement of claims	0.1
07/12/17	WJB	Plan: Review and consider distribution check format and prepare same; Prepare e-mail B Shea re same	0.5
07/12/17	WJB	Review status of distribution process and communicate with staff re same	0.2
07/13/17	WJB	Prepare draft Status Report as requested by Court	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/13/17	WJB	Conference N Garrison, A Bard re establishment of distribution account, completion of forms and requirements for same, process for proofing of checks, implantation of distribution process	0.7
07/14/17	WJB	Plan: Prepare e-mail B Shea confirming opening of distribution account at M&T and prepare letter to KeyBank re withdrawal of amounts for distribution account	0.2
07/14/17	WJB	Plan: Check on corporate filing status of McGinn Smith & Co. Inc. and conference with KEM re same; Prepare e-mail N Garrison at M&T Bank re same	0.2
07/17/17	WJB	Continue to prepare McGinn Smith Status Report as directed by Court	1.1
07/17/17	WJB	Plan: Conference with staff re B Shea request re window envelopes for distribution check mailing	0.1
07/17/17	WJB	Plan: Review draft check stock for distribution checks as received from B Shea, proof same and approve same	0.2
07/18/17	WJB	Continue work on Status Report as requested by Court including review and cross-references to website and review of prior materials and Plan to provide detail	2.5
07/19/17	WJB	Prepare Receiver website posting statement for Receiver's Report	0.1
08/01/17	WJB	Plan: Telephone call from B Shea to discuss matrix for check distribution and directive to work with PL IT Department to modify database as requested	0.1
08/15/17	WJB	Review S Brady e-mail re status and number of tax returns having been filed and prepare reply re same	0.1
08/16/17	WJB	Review Judge Hummel Rules for motion hearings and calculation of dates for filing re McGinn	0.1
08/17/17	WJB	Review and prepare list of open tasks and further case administration requirements	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/18/17	WJB	Review Ninth Payment Schedule and file same	0.1
08/18/17	WJB	Prepare e-mail B Shea re issuance of distribution checks	0.1
08/19/17	WJB	Plan: Review database for distribution list with investor addresses at request of Brian Shea; Prepare e-mail B Shea re same and follow-up process	0.2
08/23/17	WJB	Plan: Prepare e-mail B Shea with investor address list for check distribution	0.1
08/23/17	WJB	Plan: Telephone call to B Shea re first issuance of checks, excluding IRA's, preparing claims objection basis for motion and need for explanation on claims objections	0.2
08/24/17	WJB	Plan: Review e-mail from B Shea re check printing process; E-mail KML5 to send data requested by B Shea	0.1
08/24/17	WJB	Plan: Discuss claims processing process with staff, open items and resolve five issues	0.1
08/28/17	WJB	Plan: Prepare initial draft letter for check distribution to investors	0.3
08/28/17	WJB	Plan: Revise first distribution letter to investors	0.2
08/29/17	WJB	Plan: Prepare Receiver website description for check issuance to investors	0.2
08/29/17	WJB	Plan: Revise check distribution letter to investors and prepare two e-mails B Shea re check distribution issues	0.5
08/29/17	WJB	Plan: Prepare two e-mails B Shea re corrections to first investor distribution checks re format so as to include reference to claim number and first distribution	0.2
08/29/17	WJB	Plan: Further revisions to investor letter distributing first investor distribution checks	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/30/17	WJB	Plan: Review revised distribution check as re-drafted by B Shea and prepare reply re format	0.2
08/31/17	WJB	Plan: Final revisions to letter for distribution checks	0.5
08/31/17	WJB	Plan: Attend to signing of distribution checks and coordinating process for distribution and mailing	0.4
08/31/17	WJB	Plan: Review and verify distribution list for first check distribution	0.2
08/31/17	WJB	Plan: Follow-up to check distribution process and respond to questions re same	0.2
09/01/17	WJB	Plan: Review first check batch received from B Shea for investor distribution and prepare e-mail confirming receipt	0.1
09/01/17	WJB	Review recent legal decision on Ponzi scheme avoidance action vs IRS	0.1
09/01/17	WJB	Plan: Review first check distribution, test internal process for signing and issuance and conference staff re same	0.3
09/01/17	WJB	Plan: Conference staff re check amount verification for investor distribution process	0.1
09/01/17	WJB	Plan: Review, approve and sign first distribution checks to investors	0.4
09/01/17	WJB	Plan: Prepare email B Shea re shredding unused checks and work on further check issuance and distribution	0.3
09/01/17	WJB	Plan: Telephone call from B Shea re distribution checks, timing and database update and issues re same and course of action	0.4
09/05/17	WJB	Identify current location of T McGinn through Federal Bureau of Prisons website in order to resend McGinn Smith Holdings K-1 and notify B Shea by e-mail of new prison location for T McGinn for future mailings	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/06/17	WJB	Plan: Review second batch of distribution checks, verify, sign and distribute same	0.8
09/06/17	WJB	Plan: Resolve how to record checks written on first and second distributions with staff	0.1
09/06/17	WJB	Plan: Attend to database process updates and course of action re same	0.3
09/07/17	WJB	Plan: Telephone call from Annette at M&T to double-check properly authorized checks being processed for initial investor claims and review files and verify checks and authorization	0.2
09/08/17	WJB	Plan: Prepare e-mail B Shea re next investor check distribution and status of update to distribution and paper claim review	0.1
09/08/17	WJB	Plan: Conference with staff on how to re-code distribution database for newly found paper claims	0.1
09/11/17	WJB	Prepare notes on 9/8 website corrections and modifications with staff	0.1
09/11/17	WJB	Plan: Review, authorize and sign investor distribution checks	0.2
09/12/17	WJB	Plan: Review, authorize and sign distribution checks to investors	1.1
09/13/17	WJB	Consider addition of payment field to database update so as to assist controller in identifying allowed claims for payment	0.1
09/13/17	WJB	Review three statements from FINRA re arbitration claims by investors and status of same	0.2
09/15/17	WJB	Review National Life Ins notice re change of address and dictate instructions re same	0.2
09/15/17	WJB	Prepare letter Hon. Kimberly A. O'Connor at Albany State Supreme Court re status report in response to her request re Allegretta action	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/15/17	WJB	Plan: Review, approve and file Twelfth Distribution Schedule	0.2
09/18/17	WJB	Revise format of Receiver's website re legal announcements and reordering of same and updating	0.2
09/18/17	WJB	Plan: Respond to B Shea question on when okay to pay claim and discuss with staff concerning database entries	0.1
09/19/17	WJB	Plan: Review message from B Shea re need for data run from database; Prepare e-mail D Grabowski requesting same for forwarding to B Shea to accomplish check run	0.2
09/19/17	WJB	Conference KML5 re need to correct IRA information in database and need to re-enter	0.1
09/20/17	WJB	Plan: Conference staff re re-auditing of files including truly duplicate paper claims	0.1
09/21/17	WJB	Prepare website announcement re paper claim motion with description and instructions re same	0.2
09/21/17	WJB	Revise and post website description re paper claims motion and instructions re same	0.3
09/22/17	WJB	Review and respond to two B Shea e-mails on distribution check delivery and IRA mailing list sort and possible deliverables	0.1
09/25/17	WJB	Plan: Review investor checks received from B Shea and prepare e-mail acknowledging receipt and review reply re status of check writing into Fifth Distribution list	0.1
09/25/17	WJB	Plan: Review, approve and issue investor distribution checks	1.5
09/26/17	WJB	Plan: Review, sign and distribution investor checks 1342-1534	2.1
09/27/17	WJB	Conference staff re two distribution check questions and potential errors and follow-up re same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/27/17	WJB	Plan: Review new batch of investor distribution checks 1535-1601 and prepare e-mail B Shea re receipt of same	0.1
09/27/17	WJB	Plan: Review, approve and sign McGinn Smith distribution checks 1535-1601 and send	0.0
09/28/17	WJB	Plan: Complete check signing on checks 1535-1601	0.3
09/28/17	WJB	Plan: Review, approve and sign investor distribution checks 1602-1690	0.9
10/02/17	WJB	Plan: Review, authorize and sign investor distribution checks 1691-1742 and distribute to investors	0.7
10/03/17	WJB	Plan: Review Check No 1116 from Distribution Account as returned check for security reasons; Review B Shea analysis and notify investors	0.1
10/03/17	WJB	Plan: Review, approve, sign and distribute investor distribution checks 1743-1879 including verification of certain claims	0.8
10/05/17	WJB	Plan: Review, sign, approve and distribute check nos. 1880-1981	1.1
10/11/17	WJB	Plan: Review checks received from B Shea and prepare reply e-mail re receipt of check numbers 1982-2167	0.1
10/12/17	WJB	Plan: Review Check Nos. 2050 through 2099, send and distribute same	0.6
10/12/17	WJB	Plan: Review, approve, sign and distribute distribution check numbers 2100 through 2167	0.8
10/12/17	WJB	Plan: Review, approve, sign and distribute check nos. 2100-2167	0.4
10/17/17	WJB	Review L Levy letter as filed with Court concerning treatment of her claim	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/18/17	WJB	Prepare preliminary status report update for Receiver's website re legal status of case	0.1
10/18/17	WJB	Prepare and revise update for website on status of distributions and various pending motions re claims	0.2
10/18/17	WJB	Revise website update re claims and legal motion status for investors	0.5
10/18/17	WJB	Prepare e-mail SEC re distribution process status, amount of checks issued to date and other matters	0.1
10/18/17	WJB	Review and approve 1/1/17-3/31/17 SFAR Report and 4/1/17-6/30/17 SFAR Report and prepare transmittal e-mails re same	0.4
10/19/17	WJB	Finalize and send to SEC January 2017-March 2017 SFAR report	0.3
10/19/17	WJB	Finalize and send to SEC April 2017-June 30, 2017 SFAR Report	0.3
10/19/17	WJB	Review e-mail from K McGrath re dating error in SFAR, review same and forward to B Shea for correction	0.2
10/19/17	WJB	Oversee status of claims allowance and information requested by US Attorney	0.2
10/20/17	WJB	Review revised first and second quarter 2017 SFAR reports, sign and forward same to SEC	0.4
10/23/17	WJB	Consider request of US Attorney's Office to turn over restitution amounts received from D Smith and T McGinn for distribution to designated creditors including review of Plan for applicability of collateral recovery rule and consider ways to handle same; Prepare e-mail L Dukar at US Attorney's Office re same outlining how turnover could be accomplished with distribution	1.0
10/23/17	WJB	Prepare reply e-mail L Dukar at US Attorney's Office with confidential list of investor claim numbers	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/24/17	WJB	Plan: Review, approve and sign checks 2168-2223 including research M Kogan claims	0.7
10/30/17	WJB	Review status of distribution from US Attorney's Office for restitution victims	0.1
10/31/17	WJB	Telephone call from H Rittberg re death of client, coordinating efforts re CMS collection and developments on Crystal Springs North real property sale and impact upon McGinn Smith participation; Prepare memo to file re same	0.4
10/31/17	WJB	Review status of Piaker & Lyons case including ECF filings with respect to appeal to Second Circuit, review decision and order leading to appeal, review sole remaining claims of I Nemeth, review letter motion for final judgment	0.4
10/31/17	WJB	Review motion filed in Piaker case to dismiss W Seigford in connection with his claim	0.1
10/31/17	WJB	Review F Chiappone letter as filed with Court, review decision in SEC broker case re Chiappone findings	0.5
10/31/17	WJB	Locate prior file destruction notice filed in McGinn Smith case and forward to B Shea to confirm scope of records to be shredded	0.2
10/31/17	WJB	Prepare draft reply letter F Chiappone based upon prior notifications to investors of claims allowance process and handling of claims in dispute and based upon his involvement as prior broker	0.3
10/31/17	WJB	Telephone call to B Shea re F Chiappone objection basis and claim letter	0.1
11/03/17	WJB	Revise reply letter to F Chiappone in response to letter filed with Court	0.2
11/06/17	WJB	Prepare final revisions to reply letter to F Chappione in response to letter sent to Court and send same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/07/17	WJB	Plan: Review, sign and approve Check Nos. 2267-2285	0.3
11/10/17	WJB	Review stored files at 99 Pine Street for compliance with file destruction notice and multiple conferences with B Shea re same including review of data and oversee commencement of file destruction process	3.1
11/20/17	WJB	Plan: Review, sign and distribute distribution checks 2286-2320 to investors	0.5
11/27/17	WJB	Crystal Springs North: Review Crystal Springs North Participation Agreement for TAIN investment and accounting information received from HSK re partial recovery of investment; Forward to B Shea for continuing review	0.6
11/27/17	WJB	Review 2012 memos and photos re donated items and other disposed storage items and attend to processing of same	0.3
11/28/17	WJB	Crystal Springs North: Review B Shea response re investment and calculation of distribution amount; Prepare e-mail H Rittberg re timing of response from Receiver	0.2
11/28/17	WJB	Crystal Springs North: Review Participation Agreement, calculate and confirm participation percentage and prepare e-mail B Shea re same	0.2
11/28/17	WJB	Crystal Springs North: Review Participation Agreement and review documents concerning distribution entitlement of TAIN arising from property sale; Review and sign acceptance letter for payment and prepare e-mail H Rittberg re same	0.7
11/30/17	WJB	Crystal Springs North: Review check received by Federal Express, endorse same; Prepare e-mail B Shea re check and deposit and attend to deposit at KeyBank	0.3
11/30/17	WJB	Prepare e-mail D Stoelting, K McGrath at SEC with Crystal Springs recovery information and copy of check	0.2
11/30/17	WJB	Review NYS Insurance Fund policy and family leave opt out materials, consider legal consequences and prepare letter B Shea re same	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/18/17	WJB	Prepare website description for collateral recovery claims including description of mathematical calculation for calculation of amount to be distributed to investors with collateral recoveries and application of rule concerning deposit of IRA investment proceeds by investors receiving collateral recovery distribution checks; Prepare e-mail B Shea re restorative payments concerning IRA investments	0.8
12/18/17	WJB	Review IRA treatment for payment to investors by one check when IRAs might be involved including review of legal analysis and IRS rules re restorative payments	0.7
12/21/17	WJB	Work on collateral recovery Receiver website description for legal terms and prepare e-mail SEC re posting of same and process for calculation and payment	0.3
12/27/17	WJB	Plan: Review database for new field to insert total collateral recovery by individual investors as calculated for claims allowance and perform sample test on B Gold collateral recovery file; Prepare comments to database and calculation entries	0.4
12/29/17	WJB	Review new Receiver website proposed format, consider comments and prepare description for investors re same	0.3
12/29/17	WJB	Attend to administrative details	0.1
12/29/17	WJB	Revise announcement concerning format change to Receiver website and revise same	0.2

CURRENT FEES

\$21,850.00

33474 Brown, William J. as Receiver of McGinn,
 Smith & Co., Inc., et al
 00004 Case Administration
 July 6, 2018

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FOR COSTS ADVANCED AND EXPENSES INCURRED:

Overnight Courier WJB - UPS to Chambers of the Hon. Gary L. Sharpe (Attn: John Law) - Re: Case Admin	28.69
Duplicating A1, 1 Page(s)	0.10
Duplicating A1, 16 Page(s)	1.60
Duplicating A1, 1 Page(s)	0.10
Duplicating A1, 2 Page(s)	0.20
Duplicating A1, 1 Page(s)	0.10
Duplicating A1, 4 Page(s)	0.40
Color Copies WJB - 200 Color Copies - Re: Case Administration	100.00
Duplicating A1, 51 Page(s)	5.10

CURRENT EXPENSES	136.29
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TOTAL AMOUNT OF THIS INVOICE	\$21,986.29
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PAYMENT DUE UPON RECEIPT

CATEGORY F

EMPLOYEE BENEFITS/PENSIONS



Phillips Lytle LLP

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William J. Brown, Esq.
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Invoice Number 946118
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00005
 W J Brown

Re: EMPLOYEE BENEFITS / PENSIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/11/17	WJB	Prepare letter to Pension Works with revised form 5500 and prepare e-mail re same	0.2

CURRENT FEES \$96.00

TOTAL AMOUNT OF THIS INVOICE \$96.00

PAYMENT DUE UPON RECEIPT

CATEGORY P

TAX ISSUES



Phillips Lytle LLP

Attorneys at Law
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 Telecopier # (716) 852-6100
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 FED I.D. #16-0505790

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Invoice Number 946119
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00015
 W J Brown

Re: TAX ISSUES

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/05/17	KEM	Review spreadsheet updates from B Shea	0.3
07/07/17	WJB	Conference KEM re history of Smith Trust money coming into Receivership estate and income tax consequences of same	0.2
07/07/17	KEM	Teleconferences with B Shea and WJB re tax issues in connection with distributions to investors	0.5
07/08/17	KEM	Review emails from B Shea	0.1
07/17/17	KEM	Review spreadsheet in connection with estimated tax liability from COD income and other income	0.4
07/18/17	WJB	Review KEM initial analysis of claim distribution potential tax consequences	0.1
07/18/17	WJB	Review tax chart and information received from KEM, discuss health management entity, K-1's and pass through with KEM; Prepare e-mail B Shea for clarification on health management entity	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/18/17	KEM	Continue to analyze COD income and other income tax consequences in connection with investor payments, review memo re trust taxation of same, email WJB and B Shea re same, conference with WJB re same	1.3
07/19/17	WJB	Review 2015 Dept of Justice Tax Division letter re pass through taxes and consider implications; Prepare e-mail KEM re request for analysis of same; Review B Shea e-mail withdrawing health management from list of entities in tax analysis	0.6
07/21/17	WJB	Extended conference with KEM re interpretation and resolution of Dept of Justice Tax Division letter concerning pass through entities, D Smith and Smith Trust and resolution re same	0.7
07/21/17	WJB	Follow-up discussion with KEM re Plan distribution tax issues	0.2
07/21/17	KEM	Teleconference with WJB re DOJ Tax letter and ownership of partnerships; Research re same	1.3
07/24/17	KEM	Teleconference with WJB re tax matters; Email B Shea re same	0.4
07/26/17	WJB	Conference KEM re McGinn Smith Holdings filing of tax return in response to B Shea question re same and discussion of involvement of D Smith and Smith Trust property and course of action	0.1
07/26/17	KEM	Conference with WJB re tax returns for partnership	0.2
08/09/17	WJB	Review status of tax return preparation and plans for filing of final tax returns	0.3
08/09/17	WJB	Review 2016 IRS and NYS tax returns for McGinn Smith & Co. Inc. and e-file authorizations; Prepare e-mail B Shea re question on loss write-offs and purpose of same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/11/17	WJB	Review B Shea e-mail on 2016 McGinn Smith & Co. Inc. bad debt explanation	0.1
08/14/17	WJB	Review B Shea e-mail confirming explanation of loss amount on tax return of McGinn Smith & Co. Inc. 2016, sign and file return	0.2
08/15/17	WJB	Prepare e-mail S Brady re tax return preparation	0.3
08/15/17	WJB	Review hard copy of Chiampou statement not received before, review same and forward to B Shea for review and approval	0.1
08/17/17	WJB	Review McGinn Smith Holdings 2016 NYS and IRS tax returns for filing	0.1
08/18/17	WJB	Review and file 2016 McGinn Smith Holdings LLC NYS and IRS tax returns	0.3
08/28/17	WJB	Review 2008 and 2009 IRS letters to D Smith as member of McGinn Smith Holdings LLC for taxes due, review prior e-mails for prison address and prisoner number and prepare reply letter to IRS with copy to D Smith re same	0.5
10/23/17	WJB	Review IRS letter to D Smith re address change and prison address	0.1
11/27/17	WJB	Review IRS letters concerning McGinn Smith Capital Holdings 2008 and 2009 and claimed amounts due and notice of intent to levy; Prepare e-mail B Shea re same	0.3
12/15/17	WJB	Telephone call from B Shea re year-end accounting issues	0.2
12/26/17	WJB	Review B Shea e-mail and KEM reply re 2017 taxes; Conference KEM re accounting issues in preparation for call with B Shea; Telephone conference with KEM, B Shea re various tax hypotheticals and discussion of manner to treat same and associated accounting issues	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/26/17	KEM	Conferences and teleconference with WJB and B Shea re reporting issues in connection with investor payments and review prior research re same	1.0
12/27/17	WJB	Consider B Shea asset and accounting questions respecting 2017 taxes and prepare e-mail S Brady re how to assign and handle questions	0.2
12/27/17	WJB	Prepare reply e-mail S Brady re requested call with KEM re 2017 tax preparation	0.1
12/27/17	WJB	Prepare e-mails KEM, S Brady re coordinating and preparation for 2pm call re issues in 2017 tax preparation	0.2
12/27/17	WJB	Telephone conference with S Brady, KEM re two B Shea e-mail issues re preparation of 2017 taxes re substantive consolidation and remaining assets including accounting entries	0.5
12/27/17	WJB	Prepare draft e-mail to B Shea describing two tax issues as raised by him and outcome of discussion with S Brady re same	0.2
12/27/17	KEM	Conferences with WJB and S Brady re accounting/investor payment matters	0.5
12/28/17	WJB	Review S Brady reply to analysis of 2017 tax preparation	0.1
12/28/17	WJB	Conference KEM re S Brady tax analysis and conclusion that it coincides with PL analysis; prepare e-mail S Brady, B Shea, KEM re course of action	0.3
12/28/17	WJB	Draft e-mail for review by KEM concerning conclusions by Chaimpou concerning 2017 taxes, revise same and forward to S Brady, B Shea	0.2
12/28/17	KEM	Review email from WJB re review of tax returns	0.2

CURRENT FEES

\$5,481.50

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FOR COSTS ADVANCED AND EXPENSES INCURRED:

Overnight Courier WJB - UPS to Pension Works - Re: Tax Issues	39.81	
CURRENT EXPENSES		<hr/> 39.81

TOTAL AMOUNT OF THIS INVOICE	\$5,521.31
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PAYMENT DUE UPON RECEIPT

CATEGORY R

WILLIAM J. BROWN, AS RECEIVER FUNCTION



Phillips Lytle LLP

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 One Canalside
 125 Main Street
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 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
 Buffalo, NY 14203

Invoice Number 946120
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00017
 W J Brown

Re: W.J. BROWN, AS RECEIVER FUNCTION

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/05/17	WJB	Telephone call from S Allegretta re answer to collateral recovery question based upon 4/28 letter to K Laurilliard	0.2
07/05/17	WJB	Prepare letter to S Allegretta requesting confirmation of no receipt of collateral recoveries	0.1
07/06/17	WJB	Review various M&T Bank statements including Benchmark, Cruise Charter Ventures, McGinn Smith Holdings, Alarm Traders and Third Albany Income Notes and forward to B Shea for posting and reconciliation	0.2
07/06/17	WJB	Telephone call from V O'Brien re non-completion of Investor Questionnaire and follow-up re same	0.2
07/07/17	WJB	Conference CNE re review of various questions on claim folders being reviewed and disposition of same	0.1
07/07/17	WJB	Review two Five Star Bank confirmations for CDARs, two deposits and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/07/17	WJB	Consider amount necessary to fund distribution account in relation to upcoming claims payments and analyze cost of check distribution as contained in M&T proposal and compare to other bank proposals	0.4
07/07/17	WJB	Telephone call from H Hoppe re use of Receiver's website and walk-through of same	0.2
07/07/17	WJB	Finalize analysis of M&T Bank distribution account proposal and draft e-mail to M&T re terms and conditions and procedures re same	0.3
07/07/17	WJB	Conference BHE re difference and use of positive and negative check clearance protections; Telephone N Garrison at M&T re implementation of same	0.3
07/10/17	WJB	Prepare Fourth Payment Schedule report and update posting on website	0.1
07/10/17	WJB	Telephone call from A Bard, N Garrison re details needed by M&T Bank for establishment of distribution account including EIN numbers and questions re Receivership order and resolve same	0.3
07/10/17	WJB	Prepare letter to M&T Bank re continuing effectiveness of Docket No. 96 for opening of distribution account	0.1
07/10/17	WJB	Telephone call from B Shea re M&T distribution account opening details and use of positive pay precaution	0.2
07/10/17	WJB	Telephone call from Annette at M&T Bank re questions on KYC account opening details for M&T compliance	0.1
07/10/17	WJB	Review weekly payroll, approve same and forward to B Shea	0.1
07/10/17	WJB	Review KeyBank withdrawal statement for \$3,200,500 to fund Five Star CDARs account and forward e-mail to B Shea evidencing same	0.1
07/10/17	WJB	Review Kinderhook Bank statement and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/10/17	WJB	Telephone call from J Spiro re McGinn Smith claim number and distribution status	0.1
07/10/17	WJB	Review letter from C Gorino re withdrawal of duplicate claims and administer same	0.1
07/11/17	WJB	Review Kinderhook Bank checking account statement and forward to B Shea	0.1
07/11/17	WJB	Five Star Bank: Review two CDARs statements received from Five Star Bank and forward to B Shea, review terms and calendar maturity date for CDARs investments	0.2
07/11/17	WJB	Telephone call from A Bard at M&T Bank re reconciling EIN number for distribution account, name on account; Prepare e-mail KEM re IRS implications; Telephone call A Bard re EIN to use for distribution account in order to effect opening of same	0.5
07/11/17	WJB	Telephone call from C Farnsworth re claim numbers and process for distribution	0.2
07/13/17	WJB	Telephone call from H McCafferty re claims process and lengthy explanation and discussion of same	0.3
07/13/17	WJB	Review and approve checks and return to B Shea	0.1
07/14/17	WJB	Telephone call from P Englebert on distribution checks and return call with answer	0.2
07/14/17	WJB	Review evidence of M&T distribution account deposit and evidence of same	0.2
07/17/17	WJB	Telephone call from C Gorino re status of claim and paper claim withdrawal	0.1
07/18/17	WJB	Review payroll, approve and forward to B Shea	0.1
07/19/17	WJB	Telephone call from M&T Bank securities officer re investment rates	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/19/17	WJB	Prepare e-mail SEC providing copy of Receiver's Report as requested by Court	0.1
07/20/17	WJB	Telephone call from S Froot re missing claim, discuss, review file and identify difference in names and attention to detail re same	0.3
07/20/17	WJB	Review returned W-9s, investor questionnaires and attend to process re same	0.2
07/20/17	WJB	Review letter from P Marsh re status of claim; Prepare reply letter	0.1
07/21/17	WJB	Conference staff re various questions concerning claim files and processing of same	0.2
07/21/17	WJB	Review letters received containing corrections and additional information from investors	0.2
07/21/17	WJB	Telephone call from D Hargrave re whether or not paper claim has been filed and impact of same; Review claim file	0.2
07/21/17	WJB	Prepare letter to D Hargrave explaining paper claim process and ability to request expungement rather than pursuing objection	0.2
07/21/17	WJB	Telephone call from M&T Bank trainer re installation of attributes of new distribution account	0.1
07/21/17	WJB	Two telephone calls from M&T trainer re account issues	0.1
07/24/17	WJB	Telephone call from J Meyer re return of W-9 forms and website address to check status	0.1
07/24/17	WJB	Prepare and organize M&T materials for 4pm class with trainer on new distribution account; Telephone call to M&T trainer and establish controls and settings for distribution account and for positive pay	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/25/17	WJB	Review envelope returns from investors with miscellaneous information to complete claims files; Review John Hancock retirement statement, National Life Insurance statement and invoice and forward to B Shea	0.3
07/26/17	WJB	Review expense and reimbursement check from B Shea, vouchers and prepare letter B Shea approving expenses for Plan distribution	0.1
07/26/17	WJB	Telephone call from T DiNardi re timing of check distribution	0.1
07/26/17	WJB	Review A Sweet Death Certificate and Letters Testamentary and prepare letter returning originals	0.1
08/02/17	WJB	Telephone call from E Nemeth on how to locate Receiver's website and discussion of hyperlink for claims numbers	0.2
08/02/17	WJB	Review, approve payroll and forward to B Shea	0.1
08/03/17	WJB	Telephone call from J Lawson, investor, re check distribution status	0.1
08/07/17	WJB	Review Five Star statements for CDARs investment and forward to B Shea	0.1
08/08/17	WJB	Review and prepare e-mails to SEC with SFAR reports for nine periods including third quarter 2014, fourth quarter 2014, first-fourth quarters 2015, first-third quarters 2016	1.6
08/08/17	WJB	Review mail containing revised Investor Questionnaires and W-9 forms received per requested correction letters	0.1
08/10/17	WJB	Conference staff re form of responses to investors, authorize letter to N Zapletal re need to sign forms and telephone call to J Barley re claims	0.4
08/10/17	WJB	Review M&T Bank account analysis, Kinderhook statements and M&T six checking account statements and forward to B Shea	0.3
08/10/17	WJB	Review Five Star Bank individual CD's and forward to B Shea	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/10/17	WJB	Review National Financial Services statement and forward to B Shea	0.1
08/11/17	WJB	Prepare e-mail D Stoelting re 4th Quarter 2016 SFAR report	0.1
08/11/17	WJB	Review Chiampou Seventh Interim Fee Application and e-mail to S Brady of Chiampou regarding same	0.4
08/14/17	WJB	Review payroll, approve same and forward to B Shea	0.1
08/14/17	WJB	Telephone call from J Timmons re changing collateral recovery answer on Investor Questionnaire	0.1
08/15/17	WJB	Telephone call from M Anthony whether one or multiple checks will be sent to IRA trustees and effect of distribution list on check issuance and text order	0.2
08/15/17	WJB	Prepare e-mail S Brady re Chiampou Seventh Interim fee application and send to S Brady	0.2
08/16/17	WJB	Telephone message from A Bard and prepare reply re status of distribution account	0.1
08/17/17	WJB	Review SEC requirements for SAFR reports	0.1
08/17/17	WJB	Review status of Chiampou and PL interim fee applications and communications with SEC re same	0.1
08/22/17	WJB	Review returned Investor Questionnaires with updated information and provide to staff for processing	0.2
08/23/17	WJB	Trade teleconferences with B Goetter Brobst regarding claim, file review; Follow-up conference following file review regarding collateral recovery and explanation of same	0.4
08/23/17	WJB	Teleconference with P Keenan regarding claim number and requesting same, discussion of processing claims allowance	0.3
08/23/17	WJB	Teleconference with G Long regarding need for original death certificate, explanation of process and distribution status	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/23/17	WJB	Telephone call from A Bard re positive pay training for B Shea; Prepare e-mail B Shea re same and review response re scheduling so as to run distribution account	0.2
08/24/17	WJB	Review checks received from B Shea, approve and sign and return same to B Shea	0.1
08/28/17	WJB	Attend to administrative details re Alarm Traders	0.1
08/28/17	WJB	Review R Barley returned forms without Will probated and review C Connell collateral recovery and claim amount assertion	0.2
08/28/17	WJB	Telephone call from C Hildebrand, paralegal, re M/M Forgea claims on how to obtain duplicate password	0.1
08/28/17	WJB	Telephone call from D Borgia re address, Investor Questionnaire, IRA and paper claim	0.3
08/28/17	WJB	Telephone call from A Ferrero re distribution check	0.1
08/28/17	WJB	Extended telephone conference with R Deleonardis re IRA early distribution, how IRA claims treated under Plan, understanding of tax rules and related matters	0.6
08/29/17	WJB	Prepare website description for check issuance to investors	0.2
08/30/17	WJB	Review B Shea e-mail re database clean-up and prepare reply re same	0.1
08/31/17	WJB	Telephone call from M Kenyon re check approval process	0.2
09/01/17	WJB	Telephone call from D Newcomb re claim status and reason for same and promise to respond after checking further	0.1
09/01/17	WJB	Review e-mail from J Hertzberg re request to confirm receipt of letter and prepare reply re same	0.1
09/01/17	WJB	Review L/W Gullickson letter withdrawing paper claims	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/02/17	WJB	Review e-mail from Dr. Chang requesting information as to when his claims will be processed since family member claims and his pension plan have been processed; Prepare reply re same	0.4
09/02/17	WJB	Review e-mail from R Williams and prepare reply re claims status	0.1
09/02/17	WJB	Review e-mail from J Reinhart re issuance of checks; Prepare reply re same and directing him to 8/31 website announcement	0.2
09/05/17	WJB	Telephone call from D Newcomb re paper claim withdrawal and discuss process for return of letter	0.1
09/05/17	WJB	Telephone call from M Kenyon re questions on status of distributions and plan	0.1
09/05/17	WJB	Telephone call from W Smith to confirm sending letter to consent to expunge paper claim and process re same	0.1
09/05/17	WJB	Review Five Star Money Market CDARS account statement and forward to B Shea	0.1
09/05/17	WJB	Review NFS statement and forward to B Shea	0.1
09/05/17	WJB	Review weekly cash flow report from B Shea to verify distribution account and Five Star	0.1
09/05/17	WJB	Review mail with returned Investor Questionnaires; Review J Sector original Death Certificate and okay voluntary administration; Review J Hertzberg paper claim withdrawal letter	0.3
09/06/17	WJB	Conference with staff re correcting and updating claims database in light of issues which have arisen	0.2
09/06/17	WJB	Review R/K Deleonardis letter withdrawing paper claims	0.1
09/06/17	WJB	Review C Hwang letter expunging paper claims but not in database	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/06/17	WJB	Review original Letters Testamentary for M Ford and prepare reply letter returning same and confirming	0.1
09/06/17	WJB	Prepare reply letter to J Hertzberg question on receiving check and amount	0.1
09/07/17	WJB	Telephone call from B Mohr re returned materials and e-mail B Shea re third asserted claim and dealing with paper claim and collateral review	0.3
09/07/17	WJB	Telephone call from P Zeppetelli re questions concerning claims and distribution	0.2
09/07/17	WJB	Review W Smith letter withdrawing paper claim	0.1
09/07/17	WJB	Review J May letter withdrawing paper claim	0.1
09/07/17	WJB	Telephone call from J Jones re collateral recovery process	0.1
09/07/17	WJB	Review P/G Cote letter re withdrawal of paper claims and review claim file	0.1
09/08/17	WJB	Two conferences with staff re reasons for missing paper claims from database after reviewing samples and course of action re re-auditing	0.2
09/08/17	WJB	Prepare e-mail B Shea re suspension of payments to three investors because of collateral review and re-audit	0.1
09/08/17	WJB	Review D Newcomb letter withdrawing paper claims	0.1
09/08/17	WJB	Telephone call from J Loffredo re claim status and check status	0.1
09/08/17	WJB	Telephone call from N Garrison re removal of six charges from M&T account statement and e-mail B Shea re same	0.1
09/08/17	WJB	Review Kinderhook business money market account statement and forward to B Shea for reconciliation	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/08/17	WJB	Review M&T Bank statements including Holdings, Benchmark, TAIN, Cruise Charter Ventures and Alarm Traders, Seton Hall and forward to B Shea for reconciliation	0.1
09/11/17	WJB	Telephone call from T Brannen re claim of M McDowell	0.2
09/11/17	WJB	Prepare e-mail B Shea re storage locations, terms, custodian of records and desire to close same	0.2
09/11/17	WJB	Review L&J Oretsky letter withdrawing paper claim and process same	0.1
09/11/17	WJB	Review KeyBank and Five Star statements and forward to B Shea for reconciliation	0.1
09/11/17	WJB	Telephone call from E Boni re amount of distribution check	0.1
09/12/17	WJB	Review payroll, approve same and prepare e-mail B Shea re same	0.1
09/12/17	WJB	Telephone call from D Borgia re claims	0.2
09/12/17	WJB	Telephone call from D Borgia to confirm receipt of change of address and distribution list	0.1
09/13/17	WJB	Telephone call from S Cedar re status and need to verify information and call him back to discuss further	0.1
09/13/17	WJB	Telephone call from Dr. Patel re status of distribution checks	0.1
09/14/17	WJB	Review letter from P Zappetel agreeing to withdraw four paper claims; Review letter from R Williams withdrawing paper claims and approve same for processing	0.2
09/15/17	WJB	Telephone call from D Puglisi on when to expect distribution check and which address would be used	0.1
09/18/17	WJB	Review letter from H Venezia re withdrawal of paper claims and process same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/18/17	WJB	Review letter from D Gold requesting duplicate copy of Investor Questionnaire, check database and dictate letter re same	0.1
09/18/17	WJB	Review duplicate Investor Questionnaire and two different W-9 addresses and resolve same for B&E Gold	0.2
09/20/17	WJB	Review letter to C Penchina re ten paper claims	0.2
09/21/17	WJB	Review letter from Young Koo re expungement of paper claims and process same	0.1
09/22/17	WJB	Review draft letter to KeyBank for issuance of two official checks, revise letter and send to KeyBank re withdrawals	0.1
09/25/17	WJB	Review and sign withdrawal slip and issue checks to professionals in connection with recent approval orders	0.1
09/25/17	WJB	Review and approve payroll and reply to B Shea re same	0.1
09/26/17	WJB	Review letter from J Lawson re address change and process same	0.1
09/26/17	WJB	Telephone call from J Lawson re confirmation that change of address letter received and verify to see if check mailed to old or new address	0.2
09/26/17	WJB	Review letter received from P Chapman on how to issue Fidelity IRA check	0.1
09/26/17	WJB	Review letter from B Purcell with original Death Certificate and address change and process same	0.2
09/26/17	WJB	Review letter from T Brown and prepare reply re claim numbers, confidential password and distribution checks	0.2
09/28/17	WJB	Telephone A Bard at M&T Bank re alternatives to stop payment process and efforts to reach S Hlavaty; Prepare e-mail B Shea re same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/29/17	WJB	Telephone call from L Oretsky re whether check would be received on withdrawal of paper claim, check issues and respond to same	0.1
09/29/17	WJB	Review voicemail message from W Seigford re collateral recovery and impact upon distribution	0.1
09/29/17	WJB	Prepare e-mail to S Tuttle at M&T Bank re voiding check	0.1
09/29/17	WJB	Telephone call from T Hahn at M&T re positive pay and method to void check and forward to B Shea	0.2
09/29/17	WJB	Review D Briggs letter withdrawing paper claim and process same; Review P Juneau letter withdrawing paper claim and process same	0.1
09/29/17	WJB	Review returned check envelope from T&C Drane and re-address same	0.1
09/29/17	WJB	Review letter from K Sullivan	0.1
10/02/17	WJB	Review M&T check referred to maker and e-mail B Shea as to why	0.1
10/02/17	WJB	Telephone call from E Eidson re voided check and what to do	0.1
10/02/17	WJB	Telephone call from B Mohr re letter re paper claims and collateral recovery, explain same at length and explain collateral recovery rule	0.2
10/02/17	WJB	Telephone call from R Rosenstein re claim status including review of database	0.2
10/03/17	WJB	Prepare e-mail B Shea re receipt of investor distribution check 1743-1879	0.1
10/03/17	WJB	Review bills and checks received from B Shea, authorize, sign and return same to B Shea	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/04/17	WJB	Telephone call from G Kimash re second distribution eligibility because only one investment after receipt of first check, review claim	0.2
10/04/17	WJB	Conference staff re M Weinar collateral recovery question	0.1
10/04/17	WJB	Review status of professional fee applications and estate expenses	0.2
10/05/17	WJB	Calculate post-receivership liabilities and status of same	0.1
10/05/17	WJB	Telephone call from P Hurtt re IRA account number designation, review claims and prepare memo to file	0.2
10/05/17	WJB	Review investor checks 1880-1981 and prepare e-mail B Shea re receipt of same	0.1
10/06/17	WJB	Review Five Star Bank money market statement, KeyBank statement, M&T Bank TAIN statement, Seton Hall statement, Benchmark statement and CCV statement and forward same to B Shea for reconciliation and posting	0.3
10/06/17	WJB	Review various letters and investor questions and follow up on same	0.1
10/06/17	WJB	Review two National Financial Services statements and forward to B Shea; Review Dinosaur statement and forward to B Shea	0.1
10/06/17	WJB	Review Five Star Bank CDARS statement and forward to B Shea	0.1
10/06/17	WJB	Review and reply to Anderson Law Firm re L DelSignore Letters Testamentary not containing original seal and need for same	0.1
10/06/17	WJB	Review letter from B Goldstein re when checks issued and prepare reply	0.1
10/06/17	WJB	Prepare letter B Shea re completing and NYS Insurance Fund census	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/06/17	WJB	Telephone call from M Anthony claiming that dividends were not paid in McGinn Smith case and discussion of interpretation of same	0.2
10/08/17	WJB	Review B Shea distribution analysis	0.1
10/11/17	WJB	Review N Garrison e-mail and prepare reply re distribution account status and operation	0.1
10/11/17	WJB	Telephone call from C Nicolos at Ameriprise Financial re three checks received and where to find IRA account numbers	0.1
10/11/17	WJB	Review Kinderhook Bank checking and savings account statements and forward to B Shea for posting and reconciliation	0.1
10/11/17	WJB	Telephone message from W Siegford re 10/4 letter re collateral recovery	0.1
10/11/17	WJB	Telephone call from Hogantogler re tax questions and losses and advise re inability to provide tax advice	0.1
10/11/17	WJB	Telephone call from M Manzi re how to deal with paper claim	0.1
10/12/17	WJB	Review M&T account analysis and review B Shea e-mail re no paper statements having been received for Distribution Account and not included in account analysis statement; Prepare e-mail to N Garrison re need to remedy same	0.2
10/12/17	WJB	Telephone call from W Steinkirchner re collateral recovery and distribution list estimates	0.2
10/12/17	WJB	Exchange multiple e-mails with M&T re lack of distribution account statement and respond to A Bard re correct statement address and other items possibility interfering with M&T providing statements	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/13/17	WJB	Voicemail from A Bard at M&T re not receiving distribution account statement, compare TAIN statement with distribution account, telephone message to M&T officers re differences in same	0.3
10/13/17	WJB	Telephone call from A Bard re M&T Distribution Account issues and need to resolve same and efforts to resolve same	0.1
10/16/17	WJB	Review M Favish e-mail with address change, status of claim, review claim and analyze and prepare response concerning allegations	0.3
10/16/17	WJB	Review notice from NYS Insurance Fund re premium dates and forward to B Shea	0.1
10/16/17	WJB	Telephone call from R Beck re status, check claim file and confirm check sent	0.2
10/16/17	WJB	Review Estate of L DelSignore including voicemail from D Zins, Esq. at Anderson Law Firm re Letters Testamentary and further review of file re issue of original vs copy	0.2
10/16/17	WJB	Review SEC Receiver and Billing Guidelines for compliance and necessary updates	0.2
10/17/17	WJB	Review M&T Bank treasury management e-mail with form completion request in order to resolve lack of paper statement on distribution account; Prepare reply requesting clarification re requested change in light of not requesting same	0.2
10/17/17	WJB	Discuss SEC guideline rules with BHE as Firm financial officer re compliance and course of action	0.1
10/17/17	WJB	Review B Shea request for distribution list additional column on database, consider same and prepare reply	0.1
10/17/17	WJB	Conference CNE re T/R Loffredo claim and need for both to sign Investor Questionnaire as a result of joint claim	0.1
10/17/17	WJB	Telephone call from W Smith re status of withdrawal of paper claim letter and claim payment, check on same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/17/17	WJB	Telephone call from J Barley returning her call re collateral recovery and need to probate estate	0.1
10/17/17	WJB	Telephone call to W Smith re date of issuance of check in response to his prior call	0.1
10/18/17	WJB	Prepare letter to KeyBank to arrange for withdrawal from funds on deposit, monies for deposit to distribution account for payment of investor claims and arrange for same to be deposited into M&T	0.4
10/18/17	WJB	Telephone call to A Bucella re \$3 million deposit for distribution account arrangements	0.1
10/19/17	WJB	Review M Schwartz e-mail re claim	0.1
10/19/17	WJB	Review KeyBank check for deposit into Distribution Account, endorse and arrange for deposit at M&T in Distribution Account	0.1
10/19/17	WJB	Prepare reply e-mail W Stauffer re allowance of claims	0.1
10/19/17	WJB	Review status of inquiries including checking H Czewiec claim folder, prepare e-mail M Donohue re need for originals and review copies, review status of multiple open items	0.7
10/20/17	WJB	Telephone call from J Rostron re various questions	0.2
10/20/17	WJB	Review status of claims allowance and distributions	0.1
10/23/17	WJB	Review payroll, approve and forward to B Shea	0.1
10/23/17	WJB	Review e-mail from B Shea re reviewing file records in Albany, shredding, destruction and prepare reply	0.1
10/23/17	WJB	Review A Werksman letter re L Levy and prepare reply	0.2
10/23/17	WJB	Telephone call to R Tomas re need to review claim file	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/23/17	WJB	Telephone call from J Zweielich re need to receive letter from Receiver explaining claims situation	0.1
10/23/17	WJB	Review M&T Bank adjustment notice to Distribution Account and forward e-mail B Shea re verifying same	0.1
10/23/17	WJB	Review letter from R Shapiro re addressing his distribution check which had been returned	0.1
10/24/17	WJB	Prepare e-mail reply to M Favish concerning his e-mail re paper claim	0.1
10/25/17	WJB	Review R Kastraveckas and T Loffredo claim letters	0.1
10/25/17	WJB	Review Fidelity letter re A Wilmarth returned checks and forwarding to investor	0.1
10/26/17	WJB	Coordinate with B Shea on file storage review for ability to reduce storage needs for ancient records	0.2
10/26/17	WJB	Review further e-mail from J Zwielich re his claim issues	0.1
10/26/17	WJB	Telephone conference with B Shea re scope and logistics of shredding ancient McGinn Smith records	0.2
10/26/17	WJB	Telephone call from J Storz re IRA receipt and how and when to deal with same	0.2
10/26/17	WJB	Telephone call from D Puglisi re claim status and questions	0.1
10/27/17	WJB	Review address change notice from M Favish and K Betro-Favish, verify names in claims and withheld checks and process checks having received address change	0.2
10/27/17	WJB	Review letter from D&J Rostron re withdrawal of paper claim and process file	0.1
10/27/17	WJB	Review Fifteenth Schedule of Investor Payments for distributions, review open claims and attention to approving and filing same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/27/17	WJB	Finalize Fifteen Payment Schedule and file same with Court	0.2
10/30/17	WJB	Ninth Interim fee Application for PL: Prepare e-mail D Stoelting re same for review prior to filing with Court	0.3
10/30/17	WJB	Review P Juneau letter and deal with his letter that IRA Services deducted amount from his distribution	0.1
10/30/17	WJB	Telephone call from P DelSignore re issue of bank not cashing check for her, as executor, because estate account was closed and agreeing to re-issue checks in her capacity as executor and arrange same	0.2
10/30/17	WJB	Review NYS Insurance Fund family leave coverage notification; Prepare letter B Shea re not electing coverage	0.1
10/30/17	WJB	Telephone call from A Wilmarth re Fidelity account having been closed and checks returned; Prepare memo to file re same	0.1
11/01/17	WJB	Prepare e-mail S Garner for assistance re records removal at 99 Pine Street and file destruction	0.1
11/01/17	WJB	Telephone call from S Garner to discuss Iron Mountain file destruction and removal at 99 Pine Street; Prepare e-mail B Shea re same	0.2
11/02/17	WJB	Conference S Garner re arrangements for Iron Mountain to shred partial McGinn Smith records in Albany and coordination re same including communications with B Shea re same	0.3
11/02/17	WJB	Review letter to N/J Frederick re providing IQ form which had not been returned	0.1
11/03/17	WJB	Prepare records destruction e-mail to D Stoelting and P McGrath at SEC providing prior records destruction notice as filed with Court	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/03/17	WJB	Attend to arrangements for records shredding including e-mails to S Garner re timing and payment; Prepare e-mail B Shea re timing and confirmation of same	0.2
11/03/17	WJB	Attend to administrative detail	0.2
11/03/17	WJB	Attend to details concerning preparation for file destruction at 99 Pine Street with B Shea	0.2
11/06/17	WJB	Review Five Star Bank money market account statement and forward to B Shea for reconciliation and posting	0.1
11/07/17	WJB	Review bank statement status	0.1
11/08/17	WJB	Review Kinderhook Bank checking statement, M&T Bank McGinn Smith Holdings, Alarm Trading, Benchmark, Seton Hall, CCV and MSF bank account statements and forward to B Shea for review and posting	0.2
11/08/17	WJB	M&T Bank: Prepare e-mail S Hlavaty at M&T Bank re no distribution account statements received contrary to M&T Bank promises and course of action re same	0.2
11/08/17	WJB	Revise reply letter to M Sokoler re letter to Court re claims process	0.4
11/08/17	WJB	Attend to arrangements for 99 Pine Street, Albany file destruction and coordinating arrangements	0.3
11/08/17	WJB	Review letter from D Kimball re address change and request for IQ and process same	0.2
11/09/17	WJB	Travel from NYC office to Albany in preparation for partial records destruction at 99 Pine Street and to meet with investor, B Coffin (total travel time 4.2 hours)	2.1
11/09/17	WJB	(No Charge) Travel from NYC office to Albany in preparation for partial records destruction at 99 Pine Street and to meet with investor, B Coffin (total travel time 4.2 hours)	2.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/10/17	WJB	Travel from Albany office to Buffalo following partial records destruction project at 99 Pine Street and meeting with B Coffin (Total travel time 6.6 hours)	3.3
11/10/17	WJB	(No Charge) Travel from Albany office to Buffalo following partial records destruction project at 99 Pine Street and meeting with B Coffin (Total travel time 6.6 hours)	3.3
11/10/17	WJB	M&T Bank: Telephone call from M&T Bank officers re issues with statement from Distribution Account, facts re processing of same and proposed resolution	0.3
11/11/17	WJB	Review e-mail from B Shea re transfer of account balances to fund Alarm Traders account	0.1
11/13/17	WJB	Prepare notes to file regarding November 10 activities at 99 Pine Street with Brian Shea and Iron Mountain regarding file review and destruction and meeting with Bruce Coffin	0.2
11/13/17	WJB	Review M&T Bank distribution account statement; Prepare email M&T Bank and Brian Shea confirming November 10 conference call regarding account delivery and prepare email B Shea regarding handling of distribution account going forward based upon same	0.5
11/13/17	WJB	Review two returned checks from RBC Capital Markets regarding Hain and attention to disposing of same	0.1
11/14/17	WJB	Telephone call from N Garrison at M&T re Distribution Account issues and conference with N Garrison re M&T banking arrangements and solution re Distribution Account statement	0.4
11/14/17	WJB	Review and send three follow up letters to investors on administrative matters	0.1
11/16/17	WJB	Travel from NYC office to Albany, NY for meetings with real estate brokers and site inspection of Smith Saratoga residence (Total travel time 4.4 hours)	2.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/16/17	WJB	(No Charge): Travel from NYC office to Albany, NY for meetings with real estate brokers and site inspection of Smith Saratoga residence (Total travel time 4.4 hours)	2.2
11/16/17	WJB	Prepare letter to Betty Windbiel to request confirmation of address given questions arising during review of investor questionnaire	0.2
11/17/17	WJB	Travel from Smith Saratoga residence to Buffalo following site visit, meeting with brokers and L Smith (Total travel time 4.6)	2.3
11/17/17	WJB	(No Charge): Travel from Smith Saratoga residence to Buffalo following site visit, meeting with brokers and L Smith (Total travel time 4.6)	2.3
11/18/17	WJB	Attend to administrative detail	0.2
11/20/17	WJB	Review M&T Bank TAIN bank account statement not received with prior statements and forward to B Shea for reconciliation and posting	0.1
11/20/17	WJB	Review letter from investor, B Mathesius, re change of address and need for investor questionnaire and process same	0.1
11/20/17	WJB	Review letter from B Windbiel re change of address and check status	0.1
11/22/17	WJB	Revise reply letter to C Benderson-Lighter re claim	0.1
11/22/17	WJB	Review letter from Executor K Wood for D Page claim and consider course of action	0.2
11/27/17	WJB	Review operating expense checks, approve, sign and send same to B Shea for issuance	0.3
11/28/17	WJB	Hartford Insurance: Review Hartford Insurance bill for Alarm Trading liability coverage, review history and prepare e-mail B Shea re premium and extent of coverage	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/28/17	WJB	Prepare letter to P Cartin re need to complete Investor Questionnaire and W-9 and withdrawal of paper claim	0.1
11/28/17	WJB	Review letter from B Gold re claim process following prior telephone conversation	0.1
11/30/17	WJB	KeyBank: Telephone call from M Wachowiak at KeyBank re questions on two check distributions and account management	0.1
11/30/17	WJB	Prepare reply e-mail to KeyBank officer confirming amount and purpose of two checks and clearing bank in response to request for confirmation in light of amounts	0.3
12/01/17	WJB	Review letter from M/M Biebeck re change in question on distribution list	0.1
12/01/17	WJB	Receive Hartford Insurance check from B Shea and mail for payment of premium and send confirming e-mail to B Shea	0.2
12/01/17	WJB	Review Five Star Money Market checking statement and send to B Shea for reconciliation and posting	0.1
12/07/17	WJB	Review Kinderhook Bank statement and forward to B Shea for reconciliation and posting	0.1
12/08/17	WJB	Review M&T Bank McGinn Smith Holdings, Alarm Traders, TAIN, CCV, Seton and Benchmark statements and forward to B Shea for reconciliation and posting	0.1
12/08/17	WJB	Review, approve and forward Alarm Traders payroll to B Shea	0.1
12/11/17	WJB	Review Five Star Bank CDARS statement and forward B Shea for reconciliation and posting	0.1
12/11/17	WJB	Review NYS disability policy premium and send to B Shea for payment	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/11/17	WJB	Review NYS notice of compliance for paid family leave and prepare letter B Shea re same; Review KeyBank statement and forward to B Shea for review and posting including Crystal Springs payment	0.3
12/12/17	WJB	Review weekly cash report and consider in relation to total expected distributions to investors and calculate balance and re-check calculations	0.2
12/18/17	WJB	Review B Shea request for transfer of Benchmark, CCV, TAIN and Seton bank account balances to consolidated Alarm Traders account and prepare letter to M&T re same	0.4
12/18/17	WJB	Telephone call from A Bard at M&T Bank to confirm instructions re transfer of account balances and explain instructions	0.1
12/19/17	WJB	Telephone call from A Bard at M&T re collapsing accounts and instructions re same	0.2
12/19/17	WJB	Prepare e-mail A Bard re confirmation of collapsing accounts and forward to B Shea	0.2
12/20/17	WJB	Review, approve, sign and return to B Shea vendor checks	0.3
12/21/17	WJB	Revise e-mail C Glander on calculation and filing of tax returns	0.2
12/26/17	WJB	Five Star: Review CDARS maturity notice and forward to B Shea for evaluation for renewal	0.1
12/27/17	WJB	Prepare e-mail F Horning at Five Star requesting interest rates for rollover of CDARS investment	0.1
12/27/17	WJB	Review F Hornung e-mail with new CDARS rates and terms, calculate different rates of return for different lengths of investments, review prior B Shea recommendation and prepare renewal e-mail F Hornung with subsequent investment instructions	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/27/17	WJB	Review docket entry for PL Fee Order and prepare letter to KeyBank re official check for payment of same; Prepare e-mail B Shea with same	0.2
12/29/17	WJB	Review loss report received from NYS Insurance Fund and prepare e-mail B Shea re same	0.1

CURRENT FEES \$27,972.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Travel Expense Brown, William J; WJB 11/09-11/10/17 Trip to Albany, NY to oversee partial records destruction; 11/16/17	346.12
Travel Meals Brown, William J; WJB 11/09-11/10/17 Trip to Albany, NY to oversee partial records destruction; 11/16/17	33.52
Travel Expense Brown, William J; WJB 11/16-11/17/17 Trip to Albany, NY for meeting with real estate agents and inspection of Smith Saratoga Residence; 11/22/17	435.49
Travel Meals Brown, William J; WJB 11/16-11/17/17 Trip to Albany, NY for meeting with real estate agents and inspection of Smith Saratoga Residence; 11/22/17	29.27
CURRENT EXPENSES	844.40

TOTAL AMOUNT OF THIS INVOICE \$28,816.40

PAYMENT DUE UPON RECEIPT

CATEGORY S

SEC vs. MCGINN SMITH & Co., INC., ET AL.



Phillips Lytle LLP

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 125 Main Street
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William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
 Buffalo, NY 14203

Invoice Number 946121
 Invoice Date 07/06/18
 Client Number 33474
 Matter Number 00018
 W J Brown

Re: SEC V MCGINN SMITH & CO., INC., ET AL

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/03/17	WJB	Review D Stoelting e-mail with Order scheduling broker trial before commissioners and consider implications of same	0.1
07/19/17	WJB	Review and continue to revise Third Status Report of Receiver, including cross-references to Department of Justice letter and CMS material; Finalize and file with Court	1.5
08/01/17	WJB	Prepare reply e-mail D Stoelting re Smith Saratoga residence discussion	0.1
08/01/17	WJB	Prepare reply e-mail D Stoelting on whether to update bank lawyer re Smith Saratoga residence; Review draft M Kornstein affidavit	0.1
08/01/17	WJB	Prepare comments to Kornstein draft declaration from D Stoelting and review prior order and prepare e-mail with suggestions to D Stoelting	0.3
08/02/17	WJB	Review revised Kornstein Declaration received from D Stoelting and prepare e-mail with two comments back to D Stoelting	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/03/17	WJB	Telephone message to J Law at Judge Sharpe's Chambers re questions re January 20, 2017 text order on approval of distribution lists	0.1
08/04/17	WJB	Prepare draft letter to Court re interpretation of text order on issuing distribution checks following filing of distribution schedules, including review of text order, Plan of Distribution and Memorandum of Law and Plan Declaration; Telephone message to J Law re same	0.3
08/04/17	WJB	Revise letter to Judge Sharpe requesting clarification on text order re distributions	0.2
08/08/17	WJB	Prepare e-mail B Shea to update SFAR filings for specified periods	0.2
08/09/17	WJB	Telephone call from D Stoelting for discussion of Livingston settlement payments and basis for any other additional claim and discussion of alsoT guarantor claim settlement	0.3
08/09/17	WJB	Livingston: Review e-mail from D Stoelting requesting Livingston amended complaint, locate same and forward to D Stoelting in preparation for broker appeal before SEC	0.2
08/09/17	WJB	Locate and forward to D Stoelting alsoT Complaint in preparation for broker appeal argument at SEC	0.3
08/17/17	WJB	Telephone conference D Stoelting to discuss broker hearing evidence	0.3
08/18/17	WJB	Review SEC Guidelines received from D Stoelting	0.2
08/21/17	WJB	Prepare e-mail D Stoelting re follow-up on necessary approvals concerning fee applications	0.1
08/21/17	WJB	Review D Stoelting response re approval following review and attention to filing and arranging for hearing	0.2
08/23/17	WJB	Review most recent court docket entries	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/25/17	WJB	Telephone call from D Stoelting at SEC to discuss Smith Saratoga residence and impact of prior Judge Homer decision and discuss exemption, analysis and course of action	0.3
08/29/17	WJB	Telephone call from W Myers at US Attorney's Office re discussion of victim list, obtaining claim numbers, process on how to accomplish same given court confidentiality order and decision for US Attorney's Order to provide list and claim numbers will be provided in return	0.3
08/31/17	WJB	Review e-mail from L Ducar at US Attorney's Office re victims schedule needing claim numbers and prepare reply re applicable collateral recovery rules	0.2
09/21/17	WJB	Prepare e-mail D Stoelting, K McGrath at SEC with explanation re motion to expunge duplicative paper claims	0.1
09/21/17	WJB	Review Orders entered by District Court and forward same to S Brady at Chiampou Travis and arrangements re same	0.2
09/22/17	WJB	Review and revise Certificate of Service for duplicate paper claim motion	0.1
12/22/17	WJB	Prepare e-mail T Burt at Chambers re whether anything is needed for duplicate claims motion	0.1
12/27/17	WJB	Review docket entry for letter to Court by R Reiter, Esq. of Wilson Elser withdrawing appearance for D Wojeski	0.1
12/27/17	WJB	Review Court docket re entry of paper claim motion order and identify necessity for need for attachment of exhibits to order and continue to check docket for same	0.4
CURRENT FEES			\$3,174.00
TOTAL AMOUNT OF THIS INVOICE			\$3,174.00

PAYMENT DUE UPON RECEIPT

Exhibit C

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 7/1/2017 TO 9/30/2017

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 7/1/17 to 9/30/17

FUND ACCOUNTING (See Instructions):				
		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 3/31/2017):	21,352,044	21,352,044	21,352,044
	Increases in Fund Balance:			
Line 2	Business Income		-	-
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	11,125	11,125	11,125
Line 5	Business Asset Liquidation		-	-
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	1,671	1,671	1,671
Line 8	Miscellaneous - Other		-	-
	Total Funds Available (Lines 1 – 8):	12,796	12,796	12,796
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors	899,288	899,288	899,288
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	198,260	198,260	198,260
Line 10b	Business Asset Expenses	19,346	19,346	19,346
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	217,606	217,606	217,606
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	Total Plan Implementation Expenses			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 – 11):			
Line 13	Ending Balance (As of 6/30/2017):			20,247,946

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 7/1/17 to 9/30/17

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 20,247,946
OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
	Report of Items NOT To Be Paid by the Fund:			
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
Line 15b	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
Line 15c	<i>Tax Administrator Fees & Bonds Not Paid by the Fund</i>			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			244
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			246

Receiver:
 By: William J. Brown, Receiver
 (signature)
William J. Brown
 (printed name)
Receiver
 (title)
 Date: 4/18/2018

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 10/1/2017 TO 12/31/2017

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 10/1/17 to 12/31/17

FUND ACCOUNTING (See Instructions):				
		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 9/30/2017):	20,247,946	20,247,946	20,247,946
	Increases in Fund Balance:			
Line 2	Business Income		-	-
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	11,245	11,245	11,245
Line 5	Business Asset Liquidation		-	-
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	425,268	425,268	425,268
Line 8	Miscellaneous - Other		-	-
	Total Funds Available (Lines 1 – 8):	436,513	436,513	436,513
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors	3,900,460	3,900,460	3,900,460
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	97,340	97,340	97,340
Line 10b	Business Asset Expenses	14,358	14,358	14,358
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	111,698	111,698	111,698
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	Total Plan Implementation Expenses			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 – 11):			
Line 13	Ending Balance (As of 12/31/2017):			16,672,301

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 10/1/17 to 12/31/17

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 16,672,301
OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
	Report of Items NOT To Be Paid by the Fund:			
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
Line 15b	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
Line 15c	<i>Tax Administrator Fees & Bonds Not Paid by the Fund</i>			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			1,060
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			1,307

Receiver:
 By: William J. Brown
 (signature)
William J. Brown
 (printed name)
Receiver
 (title)
 Date: 4/30/2018

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

Case No. 1:10-CV-457
(GLS/CFH)

McGINN, SMITH & CO., INC., :
McGINN, SMITH ADVISORS, LLC :
McGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENT INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. McGINN, AND :
DAVID L. SMITH, GEOFFREY R. SMITH, :
Individually and as Trustee of the David L. and :
Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY McGINN, :

Defendants, :

LYNN A. SMITH and :
NANCY McGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

-----X

**ORDER APPROVING TENTH INTERIM APPLICATION OF
PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon the Tenth Interim Application of Phillips Lytle LLP (“Phillips Lytle”) and the Receiver (“Receiver”) for Allowance of Compensation and Reimbursement of Expenses dated August 3, 2018 (“Application”) for an order approving the allowance of compensation and reimbursement of expenses; and notice of the Application having been given to the Securities

and Exchange Commission and all parties who have filed a Notice of Appearance in this action and all creditors of the McGinn Smith Entities and other parties in interest via the Receiver's website, which notice is deemed good and sufficient notice; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that (i) compensation for legal and Receiver services rendered between July 1, 2017 and December 31, 2017 ("Tenth Interim Period") in the amount of \$125,345.29 is allowed as an interim allowance, and (ii) reimbursement of expenses advanced by Phillips Lytle during the Tenth Interim Period in the amount of \$1,343.93 is allowed as an interim disbursement payment; and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as allowed pursuant to this Order.

Dated: _____, 2018

HON. CHRISTIAN F. HUMMEL

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF NEW YORK

-----X
 SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

Case No. 1:10-CV-457
 (GLS/CFH)

McGINN, SMITH & CO., INC., :
 McGINN, SMITH ADVISORS, LLC :
 McGINN, SMITH CAPITAL HOLDINGS CORP., :
 FIRST ADVISORY INCOME NOTES, LLC, :
 FIRST EXCELSIOR INCOME NOTES, LLC, :
 FIRST INDEPENDENT INCOME NOTES, LLC, :
 THIRD ALBANY INCOME NOTES, LLC, :
 TIMOTHY M. McGINN, AND :
 DAVID L. SMITH, GEOFFREY R. SMITH, :
 Individually and as Trustee of the David L. and :
 Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
 LAUREN T. SMITH, and NANCY McGINN, :

Defendants, :

LYNN A. SMITH and :
 NANCY McGINN, :

Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
 David L. and Lynn A. Smith Irrevocable :
 Trust U/A 8/04/04, :

Intervenor. :

-----X

CERTIFICATE OF SERVICE

I, Karen M. Ludlow, being at all times over 18 years of age, hereby certify that on August 3, 2018, 2018, a true and correct copy of the Notice and Tenth Interim Application of Phillips Lytle LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Tenth Interim Application”) was caused to be served by e-mail upon all parties who receive electronic notice in this case pursuant to the Court’s ECF filing system, and by First Class Mail to the parties indicated below:

- **William J. Brown** wbrown@phillipslytle.com,khatch@phillipslytle.com
- **Certain McGinn Smith Investors** apark@weirpartners.com
- **Elizabeth C. Coombe** elizabeth.c.coombe@usdoj.gov, paul.condon@usdoj.gov ,CaseView.ECF@usdoj.gov,kelly.ciccarelli@usdoj.gov
- **William J. Dreyer** wdreyer@dreyerboyajian.com, bhill@dreyerboyajian.com, lowens@dreyerboyajian.com,coconnell@dreyerboyajian.com

- **Scott J. Ely** sely@elylawpllc.com,shm@fwc-law.com
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- **David P. Stoelting** stoeltingd@sec.gov, mehrabanl@sec.gov, mcgrathk@sec.gov, paleym@sec.gov,wbrown@phillipslytle.com
- **Charles C. Swanekamp** cswanekamp@bsk.com,mhepple@bsk.com
- **Walter Weir** wweir@weirpartners.com,smorris@weirpartners.com
- **Bryan M. Westhoff** bryan.westhoff@kayescholer.com
- **Benjamin Zelsermyer** bzlaw@optonline.net,steincav@aol.com

And, I hereby certify that on August 3, 2018, I mailed, via first class mail using the United States Postal Service, a copy of the Tenth Interim Application to the individuals listed below:

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426-8th Avenue
Troy, NY 12182

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Judith A. Newcomb
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RBS Citizen, N.A.
Cooper Erving & Savage LLP
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4th Floor
Albany, NY 12207

Iseman, Cunningham, Riester & Hyde, LLP
9 Thurlow Terrace
Albany, NY 12203

Charles C. Swanekamp, Esq.
Bond, Schoeneck & King PLLC
Avant Building - Suite 900
200 Delaware Avenue
Buffalo, NY 14202-2107

Dated: August 3, 2018

/s/ Karen M. Ludlow
Karen M. Ludlow