

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Securities and Exchange Commission

Plaintiff

v.

McGinn, Smith & Co., Inc. et al.

Defendant

Civil Action No. 10 Civ. 457 (GLS/DRH)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

David M. Wojeski (Trustee of the David L. and Lynn A. Smith Irrevocable Trust U/A 8/04/04)
75 Troy Road
East Greenbush, New York 12061

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David Stoelting, Esq.
Securities and Exchange Commission
3 World Financial Center, Suite 400
New York, N.Y. 10281

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Signature of Lawrence H. Blunt, Clerk of Court



Date: 08/05/2010

s/Maria A. Blunt

Signature of Clerk or Deputy Clerk

Civil Action No. 10 Civ. 457 (GLS/DRH)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset