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Admitted in New York
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August 6, 2010

Via CM/ECF Only

Hon. David R. Homer
United States Magistrate Judge
445 Broadway
Albany, NY 12207

Re: SEC v. McGinn, Smith, et al.
10-CV-457 (GLS/DRH)

Dear Judge Homer:

I am on vacation until August 15, and respectfully request an extension of the deadlines set forth in the Order to Show Cause which was entered this week. I have conferred with counsel of record and reached a partial agreement resulting in the following proposed briefing schedule:

- August 11 Conference to be rescheduled to a date on or after August 16, to be determined in accordance with the Court's availability
- Trustee's verified accounting to be served on or before August 16
- Response to Plaintiff's motion to be filed on or before August 19
- Plaintiff's reply papers to be filed on or before August 23
- Return date for motion hearing (oral argument only) August 24

Mr. Stoelting has indicated to me his expectation that the Court would want to conduct an evidentiary hearing on August 24. Due to the unexpected length of the hearing in June, Mr. Featherstonhaugh cannot commit to begin a hearing on August 24, as he is leaving the next day to drive his sons to schools in North Carolina and Florida. My position is that an evidentiary hearing is not necessary on a motion for reconsideration. Lastly, I am not aware if service has been effected upon or if counsel has appeared on behalf of Nancy McGinn, Geoffrey Smith or Lauren Smith.

For that reason, I am proposing that the Court adjourn the above deadlines in accordance with the foregoing schedule and adjourn the return date of the motion to August 24 for

oral argument only, and that if Plaintiff or any party seeks an evidentiary hearing on this motion, that counsel address that issue with the Court at the rescheduled conference so that your Honor may determine the nature and date of any hearing.

Thank you for your consideration.

Very truly yours,

THE DUNN LAW FIRM PLLC

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JAD/jc

Cc: Counsel of Record (via CM/ECF only)