



Phillips Lytle LLP

VIA CM/ECF

September 23, 2019

Hon. Gary L. Sharpe
United States District Judge
United States District Court
Northern District of New York
United States Courthouse
445 Broadway
Albany, NY 12207

Re: Securities and Exchange Commission vs. McGinn, Smith & Co., Inc., et al.
Case No. 1:10-cv-457
Adjournment Request Regarding Receiver's Eighth Claims Objection Motion
(Docket No. 1067)

Dear Judge Sharpe:

On September 12, 2019, we filed the Eighth Claims Motion of William J. Brown, as Receiver, for an Order (A) Disallowing or Equitably Subordinating the Smith Claims or (B) Offsetting the Judgment Obligations with Smith Claim Distributions, and (C) Expunging Smith Paper Claims (Docket No. 1067) ("Motion").

On September 17, 2019, the Court entered a Notice setting September 30, 2019 as the deadline to respond to the Motion, October 7, 2019 as the deadline to reply to any responses to the Motion, and October 17, 2019 at 9:00 a.m. as the return date for the Motion.

The Receiver and the Smiths have agreed to an adjournment of the return date of the Motion. Accordingly, we are writing to respectfully request that the Court adjourn the return date of the Motion from October 17, 2019 at 9:00 a.m. to **October 31, 2019 at 9:00 a.m.**, with the Smiths' deadline to respond to the Motion extended to **October 14, 2019**, and the Receiver's deadline to submit a reply extended to **October 21, 2019**.

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If the Court requires any additional information, please do not hesitate to contact me.

Very truly yours,

Phillips Lytle LLP

By

Catherine N. Eisenhut

CNE

Doc #4429395.1

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