

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:
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	:
<i>Plaintiff,</i>	:
	:
v.	:
	:
	:
McGINN, SMITH & CO., INC., et al.,	:
	:
	:
<i>Defendants.</i>	:
	:
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10 Civ. 457 (GLS/CFH)

**ORDER TO LIQUIDATE SECURITIES  
PURSUANT TO FINAL JUDGMENT  
AND MAKE TRANSFERS TO THE RECEIVER**

**WHEREAS** on June 25, 2015, the Court entered the Final Judgment as to Defendant David Smith (Dkt. 835) (the “Final Judgment”),

**WHEREAS**, the Final Judgment, among other things, provides that Defendant David Smith (“Smith”) is: (a) the joint owner of a brokerage account in the name of Lynn A. Smith, account number RMR-XXX916 (the “Stock Account”); and (b) the beneficial owner of the assets of the David L. and Lynn A. Smith Irrevocable Trust U/A 8/04/04, including account number RMR-XXX671 (the “Smith Trust Account”),

**WHEREAS**, the Final Judgment (Dkt. 835 at 7) further provides that “all cash and securities” in the Stock Account and the Smith Trust Account “shall be treated as an asset of Smith’s and shall be applied to Smith’s payment obligations under this Final Judgment,”

**WHEREAS**, the Stock Account and the Smith Trust Account (the “Accounts”) are maintained at National Financial Services, LLC (“NFS”),

**NOW, THEREFORE,**


**I.**

**IT IS ORDERED** that NFS shall sell all securities held in the Accounts and turn over the cash proceeds of such sales, along with all other cash and cash equivalents held in the Accounts, to the Court-appointed Receiver, William J. Brown, Esq., for distribution to the investors pursuant to the Plan of Distribution.

**II.**

**IT IS FURTHER ORDERED** that Smith's payment obligations under Part VI of the Final Judgment shall be reduced by the amount transferred to the Receiver pursuant to Part I of this Order.

**SO ORDERED**

  
GARY L. SHARPE  
United States District Judge

Dated: Albany, New York  
November 6, 2019