

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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,

Defendants, and

LYNN A SMITH,

Relief Defendant.

10 Civ. 457 (GLS)  
(DRH)

**NOTICE OF APPEARANCE  
AND REQUEST FOR NOTICES**

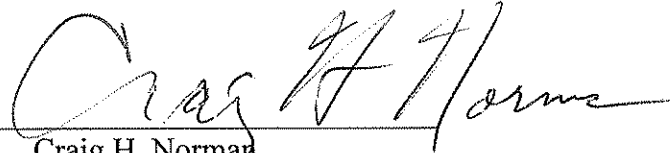
PLEASE TAKE NOTICE that Cooper Erving & Savage LLP files this Notice of Appearance and Request for Notices on behalf of The Shoma Group, and respectfully requests that all notices given or required to be given, and all papers served or required to be served in this case, and in all proceedings arising under or related thereto, including, but not limited to notices, applications, motions, petitions, orders, pleadings, complaints or demands, be given to and served upon the following:

Craig H. Norman, Esq.  
COOPER ERVING & SAVAGE LLP  
39 North Pearl Street, 4<sup>th</sup> Floor  
Albany, NY 12207  
Ph. 518-449-3900  
Fax 518-432-3111

Dated: August 6, 2010

COOPER ERVING & SAVAGE LLP

By

A handwritten signature in black ink, appearing to read "Craig H. Norman", written over a horizontal line.

Craig H. Norman  
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