

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

Case No. 1:10-CV-457
(GLS/CFH)

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, GEOFFREY R. SMITH,
Individually and as Trustee of the David L. and
Lynn A. Smith Irrevocable Trust U/A 8/04/04,
LAUREN T. SMITH, and NANCY MCGINN,

Defendants,

LYNN A. SMITH and
NANCY MCGINN,

Relief Defendants. and

GEOFFREY R. SMITH, Trustee of the
David L. and Lynn A. Smith Irrevocable
Trust U/A 8/04/04,

Intervenor.
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**ORDER APPROVING 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**

Upon the Eighth 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; and
notice of the Motion having been given to the Securities and Exchange Commission, each
of the Smiths listed on Exhibit A to the Motion, by first class mail, and all parties who have

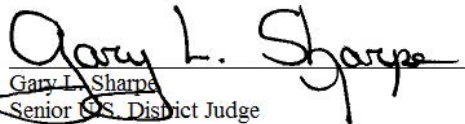
filed a Notice of Appearance in this action by ECF, and all creditors of the McGinn, Smith entities and other parties in interest via the Receiver's website, which notice is deemed good and sufficient notice; and the Court having deemed that sufficient cause exists; it is therefore

ORDERED, that the Motion is approved, and it is further

ORDERED, that each of the Paper Claims listed on Exhibit A to the Motion is expunged; and it is further

ORDERED, that each of the claims held by Lynn Smith and Geoffrey Smith listed on Exhibit A to the Motion are disallowed, and the rights of the Receiver to object on any other basis to the claims of all investors or claimants is expressly preserved.

January 7, 2020
Albany, New York


Gary L. Sharpe
Senior U.S. District Judge