



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

October 27, 2020

BY ECF

The Honorable Gary L. Sharpe
United States District Judge
United States District Court
Northern District of New York
United States Courthouse
Albany, New York 12207

Re: SEC v. McGinn, Smith & Co., Inc., et al., 10-cv-457 (GLS)(CFH)

Dear Judge Sharpe:

The SEC's letter to the Court dated June 5, 2020 proposed, for reasons of equity and fairness, that the payment obligations of Defendant/Relief Defendant Lynn A. Smith and Relief Defendant Geoffrey R. Smith under prior judgments of this Court be deemed satisfied once the Court approved the turnover of certain funds to the Receiver and those funds were transferred. Dkt. 1127. On August 11, 2020, the Court entered the turnover orders (Dkt. 1139, 1140) and those funds have now been transferred to the Receiver for the benefit of the victims pursuant to the Court's Distribution Plan. As a result, and for the reasons set forth in the June 5, 2020 letter, the SEC respectfully requests that the Court review and approve the proposed *Satisfaction of Judgment as to Lynn A. Smith and Geoffrey R. Smith*.

Respectfully submitted,

/s David Stoelting
David Stoelting
Securities and Exchange
Commission
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Attachment:

Proposed *Satisfaction of Judgment as to Lynn A. Smith and Geoffrey R. Smith*

The Honorable Gary L. Sharpe
October 27, 2020

cc (by email and ECF):

Justin Weddle, Esq., limited-purpose counsel for D., L. and G. Smith
William J. Dreyer, Esq., counsel to D. Smith
E. Stewart Jones, Esq., counsel to T. McGinn
William J. Brown, Esq., Receiver

July 2010 transfers from the Trust Account; and (2) Lynn Smith's payment obligation under the October 11, 2011 Judgment; and

THEREFORE, it is further ordered that full and complete satisfaction of: (1) the joint-and-several provisions for monetary relief pertaining to the fraudulently conveyed assets in Part VII of the David Smith Final Judgment, and in the Lynn Smith and Geoffrey Smith Final Judgment; and (2) the payment obligations in the Judgment dated October 11, 2011, is hereby acknowledged; and

THEREFORE, it is further ordered that the asset freeze imposed by the Court shall be discontinued solely as to Lynn Smith and Geoffrey Smith; and

THEREFORE, it is further ordered that except as set forth herein, the Final Judgment as to David Smith, including the disgorgement obligation, which is joint-and-several with Defendant Timothy McGinn, remains in full force and effect.

Dated: Albany, NY
_____, 2020

UNITED STATES DISTRICT JUDGE