

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

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

Defendants,

LYNN A. SMITH and NANCY MCGINN,

Relief Defendants, and

DAVID M. WOJESKI, Trustee of the David L.
and Lynn a. Smith Irrevocable Trust U/A 8/04/04,

Intervenor.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

AUG 13 2010

LAWRENCE K. BAERMAN, CLERK
ALBANY

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

STIPULATION AND
PROPOSED ORDER

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff
Securities and Exchange Commission and Relief Defendant/Defendant Lynn A. Smith,
by her undersigned counsel, that Lynn A. Smith's time to answer or otherwise respond in
her capacity as a named Relief Defendant and Defendant to the Amended Complaint filed
on August 2, 2010 shall be extended to August 30, 2010.

Date: August 12, 2010

Featherstonhaugh, Wiley & Clyne, LLP

By: 

Scott J. Ely, Esquire
Bar Roll No. 511635
James D. Featherstonhaugh, Esquire
Bar Roll No. 101616
Attorneys for Relief Defendant/
Defendant Lynn A. Smith
99 Pine Street, Suite 207
Albany, NY 12207
Tel: (518) 436-0786
Fax: (518) 427-0452

United State Securities and
Exchange Commission

By: 

Kevin McGrath, Esquire
Bar Roll No. 106326
3 World Financial Center
Room 400
New York, New York 10281
Tel: (212) 336-0533
Fax: (212) 336-1324

SO ORDERED


United States Magistrate Judge

8/13/10