

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

NOTICE OF APPEARANCE

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, 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,

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

Defendants, and

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.

To the Clerk of this court and all parties of record:

PLEASE TAKE NOTICE that Jill A. Dunn, The Dunn Law Firm PLLC, hereby appears as counsel of record for Defendants David M. Wojeski, Trustee of the David L. and Lynn A. Smith Irrevocable Trust U/A 8/04/04, Geoffrey R. Smith and Lauren T. Smith in the above-captioned action. I certify that I am admitted to practice in this court.

Dated: August 24, 2010

THE DUNN LAW FIRM PLLC
By: *s/Jill A. Dunn*

Jill A. Dunn, Esq.
Bar Roll No. 506942
99 Pine Street, Suite 210
Albany, NY 12207
Telephone (518) 694-8380
Facsimile (518) 935-9353
Email: jdunn708@nycap.rr.com

TO: David Stoelting, Esq.
Attorney for Plaintiff
Securities and Exchange Commission
3 World Financial Center, Room 400
New York, NY 10281

William J. Brown, Esq.
Phillips Lytle LLP
Receiver for Entity Defendants
3400 HSBC Center
Buffalo, NY 14203-2887

Martin Kaplan, Esq.
Gusrae, Kaplan, Bruno & Nusbaum, PLLC
Attorneys for Defendants David L. Smith and Timothy M. McGinn
120 Wall Street
New York, NY 10005

James D. Featherstonhaugh, Esq.
Featherstonhaugh, Wiley and Clyne LLP
99 Pine Street, Suite 207
Albany, NY 12207