

AO 85A (Rev. 01/09) Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge

**UNITED STATES DISTRICT COURT**

for the  
Northern District of New York

Securities and Exchange Commission	)	
<i>Plaintiff</i>	)	
v.	)	
McGinn, Smith & Co., Inc., et al.	)	Civil Action No. 10-457 GLS-DRH
<i>Defendant</i>	)	

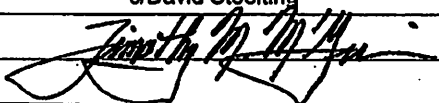
**NOTICE, CONSENT, AND REFERENCE OF A DISPOSITIVE MOTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings and enter a final order dispositive of each motion. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have motions referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's consideration of a dispositive motion.* The following parties consent to have a United States magistrate judge conduct any and all proceedings and enter a final order as to each motion identified below (identify each motion by document number and title).

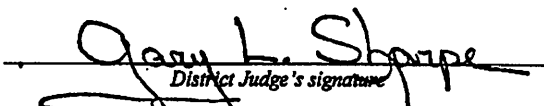
**Motions:** Plaintiff's Motion for a Preliminary Injunction  
 \_\_\_\_\_  
 \_\_\_\_\_

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
Securities and Exchange Commission	s/David Stoelting	04/27/2010
David Smith and Timothy McGinn		4/27/10
Lynn Smith		

**Reference Order**

**IT IS ORDERED:** The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: April 28, 2010

  
 District Judge's signature  
Gary L. Sharpe, U.S. District Judge  
 Printed name and title

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

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<i>Plaintiff</i>	)	
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McGinn, Smith & Co., Inc., et al.	)	
<i>Defendant</i>	)	

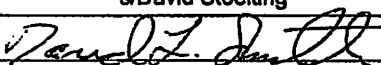
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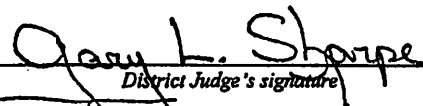
Motions: Plaintiff's Motion for a Preliminary Injunction  
\_\_\_\_\_  
\_\_\_\_\_

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
Securities and Exchange Commission	s/David Stoelting	04/27/2010
David Smith and Timothy McGinn		4/27/2010
Lynn Smith		

**Reference Order**

**IT IS ORDERED:** The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: April 29, 2010

  
*District Judge's signature*  
Gary L. Sharpe, U.S. District Judge  
*Printed name and title*

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Securities and Exchange Commission	)	
<i>Plaintiff</i>	)	
v.	)	Civil Action No. 10-457 GLS-DRH
McGinn, Smith & Co., Inc., et al.	)	
<i>Defendant</i>	)	

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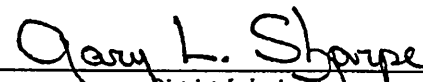
**Motions:** Plaintiff's Motion for a Preliminary Injunction  
\_\_\_\_\_  
\_\_\_\_\_

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
Securities and Exchange Commission	s/David Stoelting	04/27/2010
David Smith and Timothy McGinn		
Lynn Smith	s/James Featherstonhaugh	04/27/2010

**Reference Order**

**IT IS ORDERED:** The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: April 28, 2010

  
 \_\_\_\_\_  
*District Judge's signature*  
 \_\_\_\_\_  
 Gary L. Sharpe, U.S. District Judge  
*Printed name and title*

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