

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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**AMENDED NOTICE OF APPEARANCE
AND REQUEST FOR NOTICES¹**

PLEASE TAKE NOTICE that Phillips Lytle LLP, as counsel to the Receiver appointed in this action, files this Amended Notice of Appearance and Request for Notices¹ on behalf of Catherine N. Cervone (formerly Catherine N. Eisenhut) and respectfully requests

¹ This Amended Notice of Appearance and Request for Notices amends that certain Notice of Appearance and Request for Notices filed on September 26, 2019 at Docket No. 1072.

that all notices given or required to be given, and all papers served or required to be served in this case, and in all proceedings arising under or related thereto, including, but not limited to notices, applications, motions, petitions, orders, pleadings, complaints or demands, be given to and served upon the following:

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Dated: December 3, 2021

PHILLIPS LYTLE LLP

By /s/ Catherine N. Cervone
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