

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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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,

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

**STIPULATION AND  
PROPOSED ORDER**

*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.*

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IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Securities and Exchange Commission and the undersigned counsel, on behalf of their respective clients, that the time to answer or otherwise respond to the Amended Complaint filed on August 2, 2010 shall be extended to September 30, 2010.

IT IS FURTHER stipulated that the undersigned counsel, on behalf of their respective clients, hereby waive service or acknowledge prior waivers of service pursuant

