

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

No. 10-CV-457
(GLS/DRH)

McGINN, SMITH & CO, INC., et al.,

Defendants.

ORDER

By letter dated September 3, 2010, plaintiff Security and Exchange Commission (SEC) requested leave to file a motion to amend the asset freeze order. Dkt. No. 136. By letter dated September 7, 2010, defendants Timothy McGinn and David Smith requested leave to file a cross-motion regarding certain assets subject to the freeze. Dkt. No. 138. A conference was held on-the-record on September 8, 2010 during which defendant Lynn Smith also requested leave to file a motion regarding the asset freeze.

WHEREFORE, as directed during the conference on September 8, 2010 and pursuant to N.D.N.Y.L.R. 7.1(b)(2), leave is hereby granted to the SEC, and to defendants Timothy McGinn, David Smith and Lynn Smith to file motions regarding the asset freeze.

IT IS SO ORDERED.

Dated: September 9, 2010
Albany, New York


United States Magistrate Judge