

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

v.

10 Civ. 457 (GLS/DRH)

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,

*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.*

**PLAINTIFF’S EXHIBIT LIST IN CONNECTION  
WITH EVIDENTIARY HEARING ON NOVEMBER 16, 2010**

Plaintiff Securities and Exchange Commission respectfully submits the following exhibit

list:

<b>HRG. EXH.</b>	<b>DATE</b>	<b>DOCUMENT</b>	<b>DE</b>
	7/22/2010	Email from Brit Geiger to David Stoelting	
		Documents received from Thomas Urbelis on 7/27/2010	103
	7/22/2010	Voicemail from Brit Geiger to Kevin McGrath	
		Transcript of voicemail from Brit Geiger	
		Private Annuity Agreement <sup>1</sup>	
	7/20/2010	Email from David Stoelting to Brit Geiger	
	7/22/2010	Letter from Kevin McGrath to Brit Geiger	
		Excerpts from website <a href="http://www.napat.org">www.napat.org</a>	
		All papers filed by Plaintiff in connection with Plaintiff's Motion for Reconsideration	
		All papers filed by the Trust in opposition to Plaintiff's Motion for Reconsideration	
	11/23/2010	Email from Kevin McGrath re: McGinn Smith – Irrevocable Trust	
	11/27/2010	Letter from Stoelting to Featherstonhaugh and Dunn	
	11/29/2010	Letter from Dunn to Stoelting	
		Drafts of Stoelting Declaration	
		Documents produced by the Trust in response to Plaintiff's document request dated September 17, 2010	
		All documents listed on the Trust's exhibit list dated November 12, 2010	

Plaintiff's witness list is included in the stipulation filed on November 12, 2010.

Respectfully submitted,

Dated: November 12, 2010  
New York, NY

**s/ Lara Shalov Mehraban**  
Attorney Bar Number 516339  
Attorney for Plaintiff  
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New York, New York 10281-1022  
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<sup>1</sup> Document received from the IRS on October 25, 2010 from a folder entitled "Private Annuity".