

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, and

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 0/04/04,

Intervenor.

**NOTICE OF HEARING ON FIRST INTERIM
APPLICATION OF PHILLIPS LYTLE LLP AND THE
RECEIVER FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES**

PLEASE TAKE NOTICE that upon the First Interim Application of Phillips Lytle
LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses
("Application"), Phillips Lytle LLP ("Phillips Lytle") will appear (unless otherwise directed by

the Court) before the Hon. David R. Homer, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Albany, New York 12207-2924, on December 28, 2010 at 9:30 a.m. or as soon thereafter as Phillips Lytle and the Receiver can be heard, seeking an Order to be entered approving the Application of Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses in connection with legal services performed for William J. Brown, Esq., the Receiver for the McGinn Smith Entities¹ and the services of the Receiver.

PLEASE TAKE FURTHER NOTICE that attached is the cover sheet for the Application, indicating the nature and dates of the services rendered by Phillips Lytle and the Receiver, as well as the total amount sought by Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses. The complete Application of Phillips Lytle is filed with the United States District Court and will be available for review at the Office of the Clerk, United States District Court, Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Room 509, Albany, New York 12207-2924 or online, at the Court's website (www.nynd.uscourts.gov), or at the website of the Receiver (www.mcginnsmithreceiver.com). Copies can also be obtained upon request from Phillips Lytle.

¹ The McGinn Smith Entities are the following: 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, and the other entities listed on Exhibit A to the Preliminary Injunction Order (Docket No. 96) in this action.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: November 24, 2010

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Todd A. Ritschdorff (Bar Roll #512601)
Counsel for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

3400 HSBC Center
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc # 01-2385537.2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

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McGINN, SMITH & CO., INC.,
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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, and

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 0/04/04,

Intervenor.

**FACE SHEET PURSUANT TO LOCAL RULE 2016-1
FOR FIRST INTERM APPLICATION BY COUNSEL
FOR RECEIVER AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

APPLICANT'S NAME:

Phillips Lytle LLP and William J. Brown, as
Receiver

APPLICANT'S ADDRESS:

Omni Plaza
30 South Pearl Street
Albany, New York 12207

DATE APPLICANT APPOINTED: April 20, 2010

NATURE OF SERVICES RENDERED: Legal services rendered for William J. Brown, Receiver, with respect to McGinn, Smith & Co., Inc., et al. and for Receiver services and expenses

AMOUNT OF COMPENSATION
SOUGHT FOR FEES FROM APRIL
2010 THROUGH JULY 31, 2010 \$174,452.75 (including Phillips Lytle and Receiver's fees at pre-arranged discounted hourly rates)

AMOUNT OF COMPENSATION
SOUGHT FOR EXPENSES FROM
APRIL 2010 THROUGH JULY 31,
2010 \$ 19,644.22

Dated: November 24, 2010

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Todd A. Ritschdorff (Bar Roll #512601)
Counsel for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

3400 HSBC Center
Buffalo, New York 14203
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the David L. and Lynn A. Smith Irrevocable
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LAUREN T. SMITH, and NANCY MCGINN,

Defendants, and

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 0/04/04,

Intervenor.

**FIRST INTERIM APPLICATION OF PHILLIPS LYTLE LLP
AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Phillips Lytle LLP (“Phillips Lytle”) submits this application (“Fee Application”) for allowance of interim compensation and reimbursement of expenses pursuant to Section XIV of this Court’s Preliminary Injunction Order (Docket No. 96). Attached as **Exhibit A** is the

Declaration of William J. Brown, Esq. in support of the Fee Application. Phillips Lytle respectfully represents as follows:

INTRODUCTION

1. The Securities and Exchange Commission (“SEC”) commenced an action against McGinn Smith & Co., Inc., et al.¹ in the United States District Court for the Northern District of New York on April 20, 2010 wherein William J. Brown, Esq. was appointed as temporary Receiver for certain of the defendants and other entities in the action (“Receiver”) (Docket No. 5). The SEC’s Complaint was subsequently amended (Docket No. 100), and the Preliminary Injunction Order was entered on July 22, 2010 appointing William J. Brown as the permanent Receiver.

2. During the period from April 2010 to July 31, 2010 (“First Interim Period”), Phillips Lytle performed extensive legal services for the Receiver, and the Receiver performed extensive non-legal or quasi-legal functions, which are each more particularly described below and itemized in the detailed time and disbursement records attached as

Exhibit B.

3. As a public service discount, the legal fees incurred in this case are being performed with a current 7.5% discount on the hourly rates of Phillips Lytle pursuant to a prior agreement with the SEC. Similarly, the Receiver’s hourly rate for this engagement is \$225 per hour rather than his current \$425 per hour, again per prior agreement with the SEC.

¹ The defendants (collectively, “McGinn Smith Entities”) are the following: 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 and Lynn A. Smith.

COMPENSATION FOR LEGAL SERVICES

4. The legal services rendered by Phillips Lytle during the First Interim Period have been categorized into eighteen (18) separate categories (Categories A through R), as described below:

A. Asset Analysis and Recovery

No services were charged to or rendered by Phillips Lytle in Category A during the First Interim Period.

B. Claims Administration and Objections

No services were charged to or rendered by Phillips Lytle in Category B during the First Interim Period.

C. Asset Disposition

No services were charged to or rendered by Phillips Lytle in Category C during the First Interim Period.

D. Business Operations

No services were charged to or rendered by Phillips Lytle in Category D during the First Interim Period.

E. Case Administration

Category E is a “catch all” category consisting of services performed by Phillips Lytle in connection with this Case and primarily consists of services performed which do not fit within one of the other 17 specific categories.

During this time period, this category consists of essentially all of the initial work for the Receiver and his professionals to handle the legal affairs with which they were initially confronted given the initial 82 estates which were placed into receivership by this Court’s initial

Order to Show Cause (Docket No. 5). The detailed descriptions attached include preliminary telephone conferences with the SEC, assembling a staff of legal professionals to be present on site on the first day and the following weeks to identify personnel, their roles, immediate legal and business concerns, conduct the business affairs of the Receivership entities, taking calls from Receivership entities which were not located on site in Albany, contacting financial institutions to arrange for control and monitoring and release of funds as necessary to continue business operations not only at Receivership Entities conducting business in Albany but also in Louisiana and Florida.

The Receiver and his counsel also had to arrange for the prompt filing of the Receivership Order in multiple federal jurisdictions across the country in order to implement the Receivership Order and protect property of the estates. Thereafter, the Receiver and his counsel met or spoke with multiple parties including investors, lenders, borrowers and the individual defendants to learn about the estates and immediate problems and needs.

The immediate concerns included a pending termination and potential forfeiture of a sizeable deposit with Carnival Cruise Lines, multiple FINRA proceedings which required extensive time to understand and arrange for imposition of the Court's stay, settlement conferences with Carnival Cruise Line and the return of monies to the estate, correspondence with potential litigants, meetings with employees and staff, communications with investors, and learning of background facts including the relationship to Pine Street.

The descriptions reveal ongoing communications with various financial institutions, mortgagees, the SEC, security providers, and preparations and responses to discovery requests for the then upcoming preliminary injunction hearing and communications with counsel for the other defendants regarding the same.

The work continued with an analysis of immediate claims which might be brought, the commencement of one such claim, and attendance at the preliminary injunction hearing.

In rendering the services in Category E, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$125,456.00, plus \$13,114.35 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	116.20	425.00	49,385.00
James J. Contino	0.20	365.00	73.00
Richard E. Honen	0.50	350.00	175.00
Paul K. Stecker	1.00	355.00	355.00
Sharon L. Wick	0.40	325.00	130.00
Benjamin M. Farber	1.50	270.00	405.00
Chad W. Flansburg	6.20	225.00	1,395.00
Joshua P. Fleury	14.10	180.00	2,538.00
Marc H. Goldberg	14.70	295.00	4,336.50
Allan L. Hill	86.20	340.00	29,308.00
Kelly E. Marks	9.30	215.00	1,999.50
Todd A. Ritschdorff	112.40	205.00	23,042.00
Cynthia L. Thompson	3.80	190.00	722.00
Amanda J. Blidy (P)	88.10	125.00	11,012.50
Amy K. Carter (P)	2.30	130.00	299.00
Karen A. Kawczynski (P)	1.40	135.00	189.00
Stacy E. O'Brien (P)	0.40	180.00	72.00
Tracy L. Whitford	0.30	65.00	19.50

F. Employee Benefits/Pensions

Category F consists of services related to human resource issues including employee termination and benefits including health care, pensions, unemployment, and COBRA issues.

In rendering the services in Category F, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$9,774.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
Raymond H. Barr	1.00	360.00	360.00
Mark E. Brand	5.60	350.00	1,960.00
James R. Grasso	8.60	310.00	2,666.00
Gary F. Kotaska	7.70	360.00	2,772.00
Sarah K. Ranni	9.60	210.00	2,016.00

G. Fee/Employment Applications

No services were charged to or rendered by Phillips Lytle in Category G during the First Interim Period.

H. Fee/Employment Objections

No services were charged to or rendered by Phillips Lytle in Category H during the First Interim Period.

I. Accounting/Auditing

No services were charged to or rendered by Phillips Lytle in Category I during the First Interim Period.

J. Business Analysis

No services were charged to or rendered by Phillips Lytle in Category J during the First Interim Period.

K. Corporate Finance

No services were charged to or rendered by Phillips Lytle in Category K during the First Interim Period.

L. Data Analysis

No services were charged to or rendered by Phillips Lytle in Category L during the First Interim Period.

M. Status Reports

No services were charged to or rendered by Phillips Lytle in Category M during the First Interim Period.

N. Litigation Consulting

No services were charged to or rendered by Phillips Lytle in Category N during the First Interim Period.

O. Forensic Accounting

No services were charged to or rendered by Phillips Lytle in Category O during the First Interim Period.

P. Tax Issues

No services were charged to or rendered by Phillips Lytle in Category P during the First Interim Period.

Q. Valuation

No services were charged to or rendered by Phillips Lytle in Category Q during the First Interim Period.

R. William J. Brown, as Receiver Function

Category R consists of services related to the function of William J. Brown, as Receiver in his capacity as Receiver. These services, per prior agreement with the SEC, are rendered at \$225 per hour. Thus, while the accrued amount would otherwise be \$91,545, the amount to be billed will be \$49,365. All of the Receiver's travel time is charged to this category

and thus is at a substantially reduced rate. Travel time is also charged at one-half of the total time travelled unless work associated with these estates is being conducted at that time.

In rendering the services in Category R, the Receiver expended the time represented below at the hourly rates represented below for a total value of \$91,545.00, plus \$6,529.87 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	219.40	417.25	91,545.00 (to be billed and paid at \$49,365)

REIMBURSEMENT OF EXPENSES

5. Photocopies made by Phillips Lytle are billed by Phillips Lytle at \$.10 per page, which is based upon Phillips Lytle's costs. Telefax charges are \$1.00 per page for outgoing documents, with no charge for incoming documents. Long distance telephone charges and overnight courier charges are billed at cost. Overnight courier charges are incurred only when necessary as determined by either the Receiver or Phillips Lytle.

6. Phillips Lytle incurred out-of-pocket expenses for secretarial overtime in connection with this case. These amounts have been written off and no claim for reimbursement of such expenses is being sought herein.

PARTICULAR EXPENDITURES

During the First Interim Period, there have been instances where substantial disbursement expenses have been incurred by Phillips Lytle in connection with the legal services provided by Phillips Lytle to the Receiver. Although these expenditures are listed on the various billing statements included as Exhibit B, one deserves a more detailed explanation to justify the amount of the expenditure. There are substantial overnight courier charges to

various courts and county clerks which represent courier packages containing the Order to Show Cause so as to implement the authority of the Receiver and protect real property assets which were believed to exist in those jurisdictions or locations. Because a page was missing from the Court's original Order to Show Cause as filed, those courier packages needed to be resent at a later date when that omission was identified by the Receiver's legal counsel.

CONCLUSION

7. All of the services for which Phillips Lytle now seeks compensation were performed on behalf of the Receiver. No services were performed by Phillips Lytle in any capacity other than as counsel to the Receiver.

8. Phillips Lytle has provided the SEC with copies of Phillips Lytle's and the Receiver's billing statements attached as Exhibit B. As of this date, Phillips Lytle and the Receiver do not believe that the SEC has any objection to the amounts sought by Phillips Lytle or the Receiver pursuant to this Fee Application.

9. As the record in this action clearly indicates, Phillips Lytle has worked persistently and efficiently during the First Interim Period to handle various issues for the Receiver, the resolution of which will, to varying degrees, enhance the fair and equitable distribution of the McGinn Smith Entities' proceeds to its creditors. This action has mandated a considerable expenditure of Phillips Lytle resources.

10. Based upon the foregoing, Phillips Lytle and the Receiver represent that they are entitled to the interim compensation and reimbursement of expenses sought herein.

11. Phillips Lytle and the Receiver believe that this Fee Application substantially complies with the substantive requirements of the guidelines for fee applications adopted by the SEC.

NOTICE

12. Notice of this Fee Application is being served on the SEC and all parties who have filed a Notice of Appearance in this action. Additionally, it has been posted on the Receiver's website (www.mcginnsmithreceiver.com) for all investors and creditors to see. Phillips Lytle and the Receiver submit that no other or further notice need be given.

WHEREFORE, Phillips Lytle and the Receiver respectfully request that this Court enter an order allowing and approving Phillips Lytle's and the Receiver's Application for (i) interim compensation in the amount of \$174,452.75 , and reimbursement of expenses in the amount of \$19,644.22, for a total of \$194,096.97 for the period of April 2010 through July 31, 2010; and (ii) granting such other and further relief as is just and proper.

Dated: November 24, 2010

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Todd A. Ritschdorff (Bar Roll #512601)
Counsel for Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

3400 HSBC Center
Buffalo, New York 14203
Telephone No.: (716) 847-8400

Doc # 01-2385505.2

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

10 Civ. 457 (GLS)
(DRH)

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McGINN, SMITH CAPITAL HOLDINGS CORP.,
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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, and

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 0/04/04,

Intervenor.

**DECLARATION OF WILLIAM J. BROWN IN SUPPORT OF FIRST INTERIM
APPLICATION OF PHILLIPS LYTTLE LLP AND THE RECEIVER FOR ALLOWANCE
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Pursuant to 28 U.S.C. § 1746, William J. Brown declares, under penalty of
perjury, as follows:

1. I am a partner with the law firm of Phillips Lytle LLP (“Phillips Lytle”) and am also the Receiver (“Receiver”) appointed in this action for certain of the Defendants and other entities.

2. I make this declaration in support of the First Interim Application of Phillips Lytle and of the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Application”) in connection with Phillips Lytle’s representation of the Receiver in this Case and the Receiver’s services.

3. I have reviewed the Application and, to the best of my knowledge, information and belief, the facts set forth therein are true and correct.

4. The billing rates being charged by Phillips Lytle in connection with the Application are those which were customarily charged by Phillips Lytle during the time periods in question and are comparable to those charged by other firms of comparable size and experience in this geographic area for the prosecution of matters similar to this Case. Pursuant to prior agreement, in my capacity as Receiver, I agreed to charge an hourly rate of \$225 rather than my current hourly rate of \$425.

5. The compensation and reimbursement of expenses (“Interim Compensation”) for which allowance is sought by Phillips Lytle and the Receiver is reasonable and is sought for actual and necessary services rendered by Phillips Lytle and the Receiver, together with actual and necessary expenses advanced by Phillips Lytle, on behalf of the Receivership entities.

6. The Interim Compensation sought by Phillips Lytle and the Receiver is based upon the nature, the extent and the value of the services rendered. These matters are detailed more particularly in the time itemizations attached to the Application as Exhibit B.

7. Phillips Lytle and the Receiver believe they are entitled to Interim Compensation based on the considerable expenditures of Phillips Lytle and Receiver resources incurred since the onset of this action.

8. Phillips Lytle and the Receiver have no agreement with any other person or entity for the sharing of compensation to be received for legal or other services rendered in this action, except as such compensation may be shared by and among the attorneys of Phillips Lytle.

Phillips Lytle and the Receiver respectfully request that this Court authorize the allowance of the Interim Compensation sought pursuant to the Application.

Dated: November 24, 2010

/s/ William J. Brown

William J. Brown

Doc # 01-2386344.2

Exhibit B

Category E: Case Administration



Attorneys at Law
 3400 HSBC Center
 Buffalo, NY 14203
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 3400 HSBC Center
 Buffalo, NY 14203

Client Number 33474
 Matter Number 00004
 W J Brown

Re: CASE ADMINISTRATION

FOR PROFESSIONAL SERVICES RENDERED THROUGH JULY 31, 2010:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/13/10	WJB	Telephone call from D Stoelting at SEC regarding timing and possibility of receivership and questions regarding same	0.1
04/14/10	WJB	Prepare list of open questions regarding possible administration of case in preparation for call with SEC	0.2
04/14/10	WJB	Telephone call from D Stoelting in response to questions raised concerning attempt to gain information on background and necessary steps regarding payroll, taxes and other relevant issues; Telephone call from D Stoelting and associate regarding same and receipt of very limited information	0.3
04/15/10	WJB	E-mail REH regarding making arrangements for possible Receiver appointment and staffing for initial steps to act as Receiver; Prepare e-mail TAR, AJB3 regarding same and preparation	0.3
04/15/10	WJB	Conference with ZDM regarding broker dealer issues in the event that broker dealer is still operating and legal issues and analysis	0.1

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 Smith & Co., Inc., et al
 00004 Case Administration
 September 3, 2010

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/15/10	WJB	Review SEC rules regarding receivership and billing matters	0.2
04/15/10	REH	Conferences and correspondence with regard to possible use of Albany office facilities and staffing	0.5
04/16/10	WJB	Attend to administrative detail including potential setting up of matter and making arrangements for potential website	0.2
04/16/10	WJB	Conference with DJM regarding litigation, staffing and arrangements in Albany office in event Receivership appointment is granted	0.4
04/16/10	WJB	Review research on McGinn Smith, operations and reasons for various proceedings	0.4
04/19/10	WJB	Conference with AJB3 regarding background facts, preparation for possible appointment as Receiver, dates of important events and arrangements for same	0.2
04/19/10	WJB	Prepare separate organization charts with questions concerning organizational structure in contemplation of appointment as Receiver in order to be able to identify individual entities	0.2
04/19/10	WJB	Attend to administrative detail including additional entities on conflict search provided by SEC and clearing same	0.2
04/19/10	WJB	Telephone call to SEC counsel confirming intent to move for receivership on April 20	0.1
04/19/10	WJB	Review Finra complaint in preparation for receivership motion	0.3
04/19/10	WJB	Review list of related entities provided by M Paley at SEC	0.1
04/19/10	AJB3	Conference with WJB and WD Earnst regarding preparation for Albany	1.9
04/20/10	WJB	Travel from Buffalo to Albany with AJB3 in anticipation of receivership motion (Travel time 4.4 hours)	2.2

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 Smith & Co., Inc., et al
 00004 Case Administration
 September 3, 2010

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/20/10	WJB	Meeting with TAR, AJB3 and balance of team regarding instructions in event appointed Receiver in preparation for same and staffing	0.2
04/20/10	WJB	Prepare e-mail SEC counsel regarding whereabouts and next steps	0.1
04/20/10	WJB	Telephone call from SEC counsel regarding status of receivership motion with judge, awaiting answer	0.1
04/20/10	WJB	Revise proposed letters to parties relevant to proceeding regarding appointment of receiver	0.1
04/20/10	WJB	Review SEC Complaint against McGinn Smith as filed on docket regarding facts, allegations and entities	0.3
04/20/10	WJB	Telephone call from SEC regarding appointment as Receiver and read receivership order regarding legal rights and obligations and duties including assembling team and discussing same and prepare to meet SEC at courthouse to proceed to company premises; Go over with team procedures, interviews, inventory of records, legal and factual issues after arriving on site	1.5
04/20/10	V-K	On-site review of documents/files at McGinn Smith; Inventory of same	4.0
04/20/10	V-K	Meeting with SEC, FBI, IRS, and McGinn Smith counsel	0.9
04/20/10	V-K	Meeting with WJB regarding proceeding with receivership	0.3
04/20/10	V-K	Survey of office area and documents; Photographs taken of same	1.0
04/20/10	AJB3	Travel to Albany office with WJB (Travel time 4.4 hours)	2.2
04/20/10	AJB3	Meet with SEC attorneys at court house and 99 Pine with WJB, Todd Ritschdorff and Victoria Krause to review status of SEC action	1.0

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 Smith & Co., Inc., et al
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Page 4

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/20/10	AJB3	Meet with Joe Carr, WJB and SEC regarding review order and complaint and process	1.9
04/20/10	AJB3	Inventory and document employee offices and paperwork and contents of Alarm Trader offices and secure alarm system; Conferences with WJB regarding same	3.1
04/20/10	TAR	Meeting with SEC, FBI, IRS and McGinn Smith counsel	0.9
04/20/10	TAR	McGinn Smith office building security issues; Conferences with locksmiths re same	1.2
04/20/10	TAR	On-site review of documents/files at McGinn Smith; Inventory of same	4.0
04/20/10	TAR	Meeting with WJB re proceeding with receivership	0.3
04/21/10	WJB	Travel from Albany to Buffalo following day-long legal and receivership functions (travel time 3.8)	1.9
04/21/10	AJB3	Meet with Alarm Traders Employees and discuss mail, telephone calls, daily routine, process of payments and alarm service procedures	1.7
04/21/10	AJB3	Telephone calls and e-mails with American Express regarding freezing accounts	2.1
04/21/10	AJB3	Telephone calls and e-mails with M&T Bank regarding freezing accounts	0.6
04/21/10	AJB3	Telephone calls and e-mails with National Life Insurance regarding freezing accounts	0.7
04/21/10	AJB3	Telephone calls and e-mails with Mercantile Bank regarding freezing accounts	0.5
04/21/10	AJB3	Assist in securing office of Alarm Traders with new keys, locks, with alarm company and sign in/out log and secure entrance	1.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/21/10	AJB3	Conference with Alarm Trader employees regarding threatening calls, website, WJB and Karen Hatch regarding same	1.4
04/21/10	AJB3	Inventory and document contents of Alarm Traders offices	2.8
04/21/10	AJB3	Return travel to home from Albany (Travel time 4.8 hours)	2.4
04/21/10	TAR	Review of documents at McGinn Smith off-site storage facility; Security issues re same; Change of locks and conference with storage facility owner	3.8
04/21/10	TAR	Document inventory at McGinn Smith offices; Meetings re same	1.8
04/21/10	TAR	Meetings re security issues at McGinn Smith offices; Develop procedures re same; Meetings with employees re same	2.5
04/22/10	WJB	Conference with TAR regarding arranging to meet with J Carr to obtain litigation list and pass keys, reception and phone issues	0.1
04/22/10	WJB	Telephone call to MEY regarding setup of McGinn Smith mailbox on mcginnsmithreceiver.com website and purpose of same and functionality	0.1
04/22/10	WJB	Telephone call to J Dunn regarding arranging for meeting with Messrs. Smith and McGinn to review business facts and operations	0.2
04/22/10	WJB	Conference JPF2 regarding questions concerning role and powers of equity receiver, analysis and course of action	0.1
04/22/10	WJB	Extended conference with AJB3 regarding process to file Receiver Order in various counties and federal district courts along with Complaint to comply with federal law and to obtain recorded interest regarding any real property owned by defendants, arrangements for same including obtaining certified copies and use of abstract companies to assist in filing of orders with county clerk's offices	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/10	WJB	Review and revise letter to various federal district courts and county clerks regarding filing of complaint and order regarding Receivership Order	0.2
04/22/10	WJB	Effort to reach M&T on newly identified FirstLine Funding account to determine whether account is frozen based upon newly received information	0.1
04/22/10	WJB	Participate in process to attend to filing of orders in county clerk's offices and district courts, finalize letters regarding same and distribution of same including mechanics; Conferences AJB3, TAR regarding same	0.3
04/22/10	WJB	Telephone call from L Mehraban at SEC regarding follow-up regarding need to file Receiver Order in districts with assets, coordination regarding same including need for certified copies of Orders and Complaint from NDNY District Court	0.3
04/22/10	WJB	Conference with AJB3 regarding need to obtain copies of orders from District Court filing certification; Prepare e-mail SEC regarding same	0.2
04/22/10	WJB	Telephone call from bank paralegal at 864.239.4677 regarding Luxury Cruise bank account freeze and prepare reply	0.2
04/22/10	WJB	Conference with JPF2, AJB3 regarding identification of real property counties for filing of orders and coordination for courier services regarding same and abstract companies	0.2
04/22/10	WJB	Prepare e-mail reply to SEC with defendants' attorneys names and contact information	0.1
04/22/10	AKH	Telephone conference with 4 county clerk's offices re filing of order; Telephone conference with 4 title companies re same; Assist in letter preparation for all county filings	2.3
04/22/10	JPF2	Investigate law regarding scope of equitable remedies available to receiver as part of receivership	1.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/10	JPF2	Conference with WJB regarding law regarding remedies available to receiver as part of receivership	0.2
04/22/10	JPF2	Investigate law regarding filing of receivership order pursuant to 28 USC Section 754	1.0
04/22/10	JPF2	Conference with JAP regarding filing of receivership order in county clerks office	0.1
04/22/10	JPF2	Conference with WJB and AJB3 regarding filing of receivership order in county clerks office	0.2
04/22/10	AJB3	Follow up telephone call with American Express legal counsel regarding credit cards shut off	0.2
04/22/10	AJB3	Organize and convert all Notes from Inventory of 99 Pine Street	1.0
04/22/10	AJB3	Telephone calls with each county clerk and Arizona District Court, Florida District Court regarding filing/recording fees, addresses to forward Order/Complaint and Federal Express	2.6
04/22/10	AJB3	Telephone calls with Title Companies regarding County Clerk and Arizona District Court, Florida District Court filing/recording fees, addresses to forward Order/Complaint and Federal Express	0.6
04/22/10	AJB3	Conference with WJB regarding county clerk and Arizona District Court, Florida District Court filing/recording fees, addresses to forward Order/Complaint and Federal Express	1.0
04/22/10	AJB3	Telephone calls with T Ritschdorf and J Ward regarding county clerk and Arizona District Court, Florida District Court filing/recording fees, addresses to forward Order/Complaint and Federal Express	1.3
04/22/10	AJB3	Coordinate and preparation of forwarding filing/recording packages to various county clerk offices and District Courts	1.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/10	TAR	Attend to issues re McGinn Smith office administration and conferences re same	2.8
04/22/10	TAR	Continued review of documents at McGinn Smith offices; Conferences with B Shea, J Carr, and WJB re same	1.9
04/22/10	TAR	Review of asset information; Conferences re recordation of order to secure assets; Telephone calls re same; Travel to/from court re certified orders; Effected service of same	2.4
04/22/10	TAR	Issues re docketing order to show cause; Telephone calls and e-mails re same; service issues	2.8
04/22/10	TAR	Issues re sorting and storing keys for 99 Pine Street and Clifton Park storage facility	0.3
04/22/10	TAR	Investigation of assets-real property held by McGinn	0.6
04/22/10	BMF2	Assisted with assembly of notice materials to be distributed to various clerks and courts	1.5
04/23/10	WJB	Prepare entity lists for completion by B Shea, J Carr so as to gain information on various entities, how owned and the nature of interests and status of operations including preparation of e-mail to B Shea regarding description and discussions regarding same	0.8
04/23/10	WJB	Telephone call to K Besaw regarding meeting to perform inquiry regarding accounting and controls at McGinn Smith and arrangements for meeting at company site on Monday	0.2
04/23/10	WJB	Telephone call from L Mejia at DLA Piper and D Stoelting at SEC regarding MSFC and contracts for loan servicing, request for loan documents and write up regarding information	0.2
04/23/10	WJB	Conference AJB3 regarding legal issues on how to index receiver order in Columbia County based upon inquiry from Clerk and abstract company	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/23/10	WJB	Prepare e-mail to J Dunn, J Featherstonhaugh on request for meeting with Messrs. McGinn and Smith	0.2
04/23/10	WJB	Review sample legal chart completed by B Shea as illustrative of format to be used as draft; Prepare reply e-mail regarding acceptance of same	0.1
04/23/10	WJB	Conference with ALH1 regarding background facts on receivership and request for him to prepare for meeting with principals using various asset information reports and legal charts being prepared by B Shea, J Carr	0.1
04/23/10	WJB	Conference with DJM regarding receiver website and request by certain employees for removal of exhibits, discussion of pros and cons of same and decision to maintain website with all documents	0.1
04/23/10	WJB	Review and revise e-mail to American Express with AJB3 concerning freezing of accounts	0.1
04/23/10	WJB	Telephone call to S Jones regarding meeting with Messrs. McGinn and Smith on Sunday and arrangements for same and request for meeting	0.2
04/23/10	WJB	Telephone B Dreyer regarding request for meeting with Messrs. McGinn and Smith on Sunday and arrangements for same	0.2
04/23/10	WJB	Prepare e-mail J Dunn on status of what is going on since WJB learned that request for meeting had not been communicated to new counsel for Messrs. McGinn and Smith	0.1
04/23/10	WJB	Review e-mail from M Paley on Colorado property and prepare reply on status of others	0.1
04/23/10	WJB	Telephone call from Philadelphia attorney on arbitration proceedings in Philadelphia on behalf of McGinn Smith and implication of stay under receivership order	0.1
04/23/10	AJB3	Create list of Bank Accounts and Contact information	0.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/23/10	AJB3	Create list of all bank, 401K and life insurance policies I have been provided with	1.3
04/23/10	AJB3	Create Inventory List of Alarm Traders offices	0.9
04/23/10	AJB3	Follow up and confirmation of filing/recording in various County and District Court filings	2.4
04/23/10	AJB3	Telephone call with Margaret Maine from American Express regarding freeze various McGinn credit card accounts	0.2
04/23/10	AJB3	Prepare e-mail to Margaret Maine regarding Order and American Express accounts/cards frozen	0.6
04/23/10	AJB3	Confirm in writing with Monterey County Bank to freeze accounts; Conference with WJB regarding same	0.9
04/23/10	TAR	Site visits to McGinn Smith; Meetings and telephone calls with TMB re investor messages	0.9
04/24/10	WJB	Review memorandum prepared by AJB3 on county and district court filings regarding filing of TRO and status of same as of Friday to perfect receivership	0.1
04/24/10	WJB	Prepare e-mail SEC providing report of filed TRO order to perfect receivership	0.1
04/24/10	WJB	Conference AZM on staffing process for McGinn Smith cases among associates	0.2
04/24/10	WJB	Prepare and assemble materials for K Besaw and accountant in anticipation of preliminary visit regarding accounting procedures	0.3
04/24/10	WJB	E-mail JJC regarding how to assure recording of receivership order and county clerk records to cloud title on any possible transfer of property	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/24/10	WJB	Prepare e-mail reply to J Dunn on arrangements for Sunday evening meeting with Messrs. McGinn and Smith for briefing on various legal entities and immediate steps which may be necessary	0.2
04/24/10	WJB	Review three SEC declarations which are exhibits to SEC complaint for facts and background information	0.2
04/24/10	WJB	Prepare e-mail K Besaw regarding three SEC declarations and explanation for visit and operations with B Shea	0.1
04/24/10	WJB	Aggregate contact information received in first few days of receivership for preparation of distribution list to legal staff	0.3
04/24/10	WJB	Finalize package of information to K Besaw and accountants for Monday meeting	0.2
04/24/10	WJB	Review e-mail from J Dunn confirming meeting at 6 p.m. and prepare reply for Sunday, 4/25 with Messrs. McGinn and Smith	0.2
04/24/10	WJB	Two telephone calls from T McGinn regarding rearranging time of Sunday meeting based upon his travel schedule	0.2
04/24/10	WJB	Prepare e-mails TAR and ALH1 regarding entity information	0.1
04/24/10	WJB	Review further e-mails and prepare same to J Dunn on whether one or two meetings with occur given T McGinn communications and location of meeting and arrangements for same	0.3
04/24/10	WJB	Review letter from Carnival Cruise Lines regarding default for failure to pay prior deposit and consider risk of losing deposit already made to Carnival	0.1
04/24/10	WJB	Review e-mail from D Smith regarding meeting time and request to deliver letter and prepare reply	0.2
04/24/10	WJB	Review additional D Smith e-mails and prepare reply regarding counsel representation	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/25/10	WJB	Prepare e-mail D Stoelting regarding issue with delivery of letter regarding discovery on behalf of SEC and consider alternatives	0.2
04/25/10	WJB	Telephone call to D Stoelting to discuss same and alternatives and form of communication to Messrs. McGinn and Smith regarding need to act pro se or retain counsel in SEC litigation and asset searches	0.3
04/25/10	WJB	Conference with ALH1 regarding legal and business issues surrounding receivership and identification of legal issues requiring action including Carnival Cruise contract and implementation of stay	0.4
04/25/10	WJB	Follow-up conference with ALH1 regarding results of meeting with Messrs. McGinn and Smith and steps necessitated by same and use of information obtained regarding same	0.4
04/25/10	ALH1	Travel to Albany for in-person meeting with McGinn and Smith (Travel time 2.8 hours)	1.4
04/25/10	ALH1	Preparation for meeting with McGinn and Smith	0.6
04/25/10	ALH1	Review of agreement with Carnival regarding YOLO	0.6
04/25/10	ALH1	Participation in in-person meeting with Messrs. McGinn and Smith, WJB	2.7
04/25/10	ALH1	Review of schedule of pending litigations and arbitrations	0.1
04/26/10	WJB	Conference with J Featherstonhaugh regarding status of obtaining legal representation for defendants, impact upon Receiver, next steps and course of action, appearances in SEC action	0.2
04/26/10	WJB	Conference with ALH1 regarding obtaining assessment of legal issues in cruise contract with Carnival for YOLO Cruises and understanding Triple Play Deals	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/26/10	WJB	Meet Messrs. McGinn and Smith at their request regarding turnover of business records so that they can respond to SEC action; Confer B Shea regarding same regarding ability to provide same	0.5
04/26/10	K-K	Docket last day for delivery of McGinn Smith written accountings	0.2
04/26/10	JPF2	Further research regarding rights and remedies of receiver	0.5
04/26/10	AJB3	Organize, create filing/recording list for District and County Courts	1.0
04/26/10	AJB3	Telephone calls with Palm Beach County Clerk's Office regarding filing of Order	0.8
04/26/10	AJB3	Prepare and filing of Order in Eagle County Clerk's Office and Order and Complaint in Colorado District Court, fees and process and forward	1.9
04/26/10	AJB3	Confirmation and receipt of Monterey County Bank accounts freeze and latest bank statement in writing	0.5
04/26/10	AJB3	Confirmation and receipt from Whitney Bank in writing regarding accounts frozen and list of accounts	0.9
04/26/10	AJB3	Telephone call with Margaret Maine of American Express regarding freeze credit cards; Conference with WJB regarding same	0.2
04/26/10	ALH1	Conferences with B Shea regarding financial information and company formation information	0.5
04/26/10	ALH1	Conference with J Carr regarding pending litigations and arbitrations and other issues	1.6
04/26/10	ALH1	Review of various letters and pleadings provided by J Carr regarding pending litigations and arbitrations	1.3
04/26/10	ALH1	Telephone conference with D Dugan of Carnival regarding YOLO cruise	0.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/26/10	ALH1	Drafting of letter to Carnival regarding YOLO cruise	0.7
04/26/10	ALH1	Teleconference with TAR regarding issue of phone equipment of fifth floor	0.2
04/26/10	ALH1	Drafting of memorandum regarding April 25 meeting with Messrs. McGinn and Smith	2.5
04/26/10	ALH1	Drafting of letter to arbitration counterparties regarding Northern District New York stay	0.7
04/26/10	ALH1	Review of letter from local counsel regarding Chang proceeding	0.4
04/26/10	ALH1	Travel from Albany to NYC (Travel time 3.3 hours)	1.7
04/26/10	TAR	Telephone calls with J Carr and ALH re landlord issues regarding McGinn Smith's phone system/equipment; Correspondence with J Carr and WJB re same	0.8
04/26/10	TAR	Conferences with staff re investor call issues	0.4
04/27/10	WJB	Review McGinn e-mail regarding documents and request; Prepare e-mail B Shea regarding process on document copies; Prepare e-mail T McGinn regarding response and timing	0.3
04/27/10	WJB	Prepare memo to file regarding McGinn and Smith request for documents and procedure to do so; E-mail AJB3 regarding American Express cards and follow-up based on B Shea e-mail	0.1
04/27/10	WJB	Review e-mail from T McGinn on records and delivery of same; Review e-mail from B Shea on records format and prepare reply to both concerning same	0.2
04/27/10	WJB	Telephone call to B Shea regarding technical issues in producing records for Messrs. McGinn and Smith and potential outsourcing of same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/27/10	JJC	Conference WJB regarding issues relating to recording SEC order in land records	0.2
04/27/10	JPF2	Review assets searches	0.9
04/27/10	AJB3	Telephone calls and confirmation request in writing with Margaret Maine and Emma Ramierez of American Express regarding core accounts frozen	1.3
04/27/10	AJB3	Telephone calls and confirmation with National Life Insurance Policy - Tim McGinn of suspension of the transfer of Life Insurance Policy	1.1
04/27/10	AJB3	Organize all e-mails, notes, folders and documents; Dictate telephone messages to file memos for all receivables to date	2.9
04/27/10	ALH1	Drafting and revisions to multiple letters to arbitration and litigation counterparties	2.5
04/27/10	ALH1	Multiple phone calls to litigation counterparties and FINRA case managers	0.9
04/27/10	ALH1	Review of agreement between M&S Partners and KeyBank regarding Capital Trust transaction	0.3
04/27/10	ALH1	Further drafting and revisions to memorandum regarding April 25 meeting with Smith and McGinn	1.0
04/27/10	TAR	Telephone calls with J Carr re errors and omissions policy; Correspondence with J Carr and WJB re same	0.7
04/27/10	TAR	On-site visit to McGinn Smith to review alarm company contracts	0.7
04/28/10	WJB	Conference TAR regarding arrangements for receipt of P Sicluna boxes based upon delivery by her husband at her request	0.2
04/28/10	WJB	Prepare e-mail SEC regarding existence of additional records in possession of P Sicluna at her home	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/28/10	WJB	Telephone call from L Mehraban at SEC regarding arranging for Ikon to copy P Sicluna records and request by Receiver for subpoena or other assurances regarding appropriateness of same including telephone call with D Stoelting regarding same regarding duty of Receiver to cooperate	0.2
04/28/10	WJB	Telephone call to Tina and TAR regarding Sicluna boxes and arranging for pick-up, receipt and identification of person picking up boxes to photocopy	0.2
04/28/10	WJB	Review and approve ALH1 draft letter to judgment creditors and applicability of receivership order stay and prepare reply to ALH1 regarding same	0.2
04/28/10	WJB	Conference AJB3 regarding Whitney National Bank and respond to Bronston e-mail regarding same	0.1
04/28/10	WJB	Conference with WJB2 regarding possible need for representation in District Court litigation for receiver and basis for same regarding appearances and whether Receiver will respond for certain defendants	0.1
04/28/10	WJB	Conference with AJB3 regarding process to fund payroll at Whitney and Mercantile Banks for Benchmark and White Glove	0.2
04/28/10	WJB	Telephone call to T Pastore regarding follow-up on Criticom deposits and approval regarding same concerning appropriate account to make deposit into	0.2
04/28/10	WJB	Conference with ALH1 regarding judgment creditors and manner in which to deal with same	0.1
04/28/10	WJB	Review e-mail to T Pastore regarding Criticom account and proceeds	0.1
04/28/10	WJB	Conference with AJB3 regarding payrolls, wire and ACH transactions and deciding which will be permitted by banks	0.1
04/28/10	WJB	Conference with JPF2 regarding real property and additional receivership orders to file based on SEC asset searches	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/28/10	WJB	Conference with AJB3 regarding Whitney Bank ACH and cashier's check and arrangements for same for Benchmark	0.2
04/28/10	WJB	Revise letter to Judge Fox in Chang litigation for McGinn Smith in Philadelphia	0.1
04/28/10	WJB	Telephone call to ALH1 regarding Philadelphia lawyer, Chang and stay letter and suggested revisions regarding same	0.1
04/28/10	WJB	Telephone call from D Stoelting at SEC regarding answering SEC complaint, agreement no default and no need to produce documents	0.2
04/28/10	WJB	Conference with AJB3 on ACH for Benchmark	0.1
04/28/10	WJB	Telephone call from M Lasch of Pine Street Capital regarding request for approval of Fischbein proposal	0.1
04/28/10	WJB	Travel from NYC office to Albany to visit company premises (Travel time 2.4)	1.2
04/28/10	WJB	Read Fischbein proposal from Pine Street Capital requesting receiver approval; Review legal terms	0.2
04/28/10	JPF2	Further review of asset searches	0.3
04/28/10	JPF2	Telephone call with WJB regarding asset searches	0.1
04/28/10	JPF2	Conference with AJB3 regarding further district court and county clerks office filings	0.1
04/28/10	AJB3	Telephone calls and e-mails with WJB, B Bronston and M Guidry from Benchmark regarding ACH Debt for payroll and Reed Neebis regarding same	2.1
04/28/10	AJB3	Draft Authorization and request to Whitney Bank regarding Benchmark payroll and ACH debt; Revise and forward	1.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/28/10	AJB3	Telephone calls and e-mails with WJB, Eli Cranstan and Wanda Shaw of Cruise Division regarding ADP wire for Payroll; Check for Cruise Line	1.5
04/28/10	AJB3	Telephone calls and e-mails with Caroline Trinkley of Mercantile Bank regarding Cruise Line check, ADP wire for payroll	1.7
04/28/10	AJB3	Telephone calls with Margaret Maine regarding American Express freeze card accounts	0.4
04/28/10	ALH1	Drafting and revisions to multiple letters re: pending litigations and arbitrations	1.8
04/28/10	ALH1	Drafting of letter to court re: stay of Chang proceedings	0.9
04/28/10	ALH1	Multiple phone calls and counterparty attorneys and FINRA representatives	0.9
04/28/10	ALH1	Conference with J Carr re: judgments	0.4
04/28/10	ALH1	Drafting and revisions to letters re: pending judgments	1.9
04/28/10	ALH1	Research re: contact information for judgment holders	0.7
04/28/10	TAR	Telephone calls and correspondence with WJB and TMB re Patty Sicluna records	0.4
04/28/10	TAR	Telephone calls with M Rekucki re Clifton Park Storage facility issues; Correspondence with WJB re same	0.4
04/28/10	TAR	Travel to / from McGinn Smith Clifton Park storage facility; Meeting with M Rekucki re contents of McGinn Smith Storage space; Removal and storage issues re same	2.3
04/28/10	TAR	Inventory of P Sicluna documents delivered to McGinn Smith office	0.9
04/28/10	TAR	Correspondence with WJB re storage facility issues	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/29/10	WJB	Review Fischbein transaction details and legal issues; Exchange three e-mails with Pine Street Capital regarding questions, representations and assessments; Approve transaction	0.8
04/29/10	JPF2	Conference with AJB3 regarding filing of documents for Vermont property	0.2
04/29/10	AJB3	Telephone calls with WJB regarding Mercantile and Whitney Bank payroll authorizations regarding Cruise Division and Whitney Bank	0.5
04/29/10	AJB3	Forward authorization and request letter from receiver to Whitney Bank regarding ACH payroll debit	0.3
04/29/10	AJB3	Telephone calls and e-mails regarding authorization and request letter from Receiver to Whitney Bank with Reed Neelis, WJB and Benchmark regarding same	0.4
04/29/10	AJB3	Draft and forward authorization and request letter from Receiver to Mercantile Bank regarding Cruise Division payroll	0.9
04/29/10	AJB3	Telephone calls and e-mails with Caroline Trinkley at Mercantile, Eli Cranstan and WJB regarding APD wire for payroll	0.5
04/29/10	AJB3	Telephone calls and e-mails with 7 various District Courts and County Clerk's Office regarding recording/filing fees and addresses to file certified copy	1.3
04/29/10	AJB3	Prepare letters, check amounts and forward to seven various District Courts and County Clerk's Office regarding recording/filing fees and addresses to file certified copy of Order	1.8
04/29/10	ALH1	Participation in conference call with Carnival re: YOLO	0.7
04/29/10	ALH1	Drafting of memorandum to file re: Carnival call	0.5
04/29/10	ALH1	Teleconference with M Bustle regarding cash and bookings	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/29/10	ALH1	Review of client report re YOLO bookings	0.1
04/29/10	ALH1	E-mail to WJB re: YOLO bookings amount	0.3
04/29/10	ALH1	Drafting of letters to arbitration and litigation proceedings	1.5
04/29/10	ALH1	Research re: contact information for certain claimants and their counsel	0.9
04/29/10	ALH1	Teleconference with claimants and other litigation and arbitration parties	1.0
04/29/10	ALH1	Revisions to letter re: Chang proceeding	0.3
04/29/10	ALH1	Conference with local counsel re: pending hearing	0.2
04/29/10	ALH1	Review of Steinkirchner arbitration order to show cause	0.4
04/29/10	TAR	Retrieval of certified orders from Northern District of New York Clerk; Telephone call with K Hatch re same	0.5
04/30/10	WJB	Conference with AZM regarding result of negotiations with Carnival regarding contract and additional thoughts re legal issues	0.2
04/30/10	WJB	Conference with AJB3 regarding identifying problems with Receiver Order concerning initial missing page as posted by District Court Clerk on Court's docket and reviewing same	0.2
04/30/10	WJB	Prepare e-mail SEC regarding problems with Order and need for additional copies	0.2
04/30/10	WJB	Extended telephone conference with D Stoelting at SEC to point out issues with Order and missing page as originally filed by Clerk of Court and understanding how Order was later corrected, follow-up issues and need to file additional corrected orders in all jurisdictions; Conference with AJB3 regarding same	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/30/10	WJB	Conference with TAR regarding obtaining additional certified Orders at District Court as ordered by YKH based upon original District Court mistake	0.1
04/30/10	WJB	Analyze legal aspects of Carnival contract and legal offer	0.1
04/30/10	WJB	Telephone call to D Stoelting regarding discussion of Carnival contract, settlement offer and reasons to accept or not accept same	0.2
04/30/10	WJB	Prepare e-mail B Shea, J Carr regarding treating Carnival information confidentially	0.1
04/30/10	WJB	Conferences with AJB3 checking on status of new letters to county clerks and district courts for filing of corrected receiver order	0.1
04/30/10	AJB3	Conference with WJB regarding District Court and County filings of Certified Copy of Order and error in USDND of New York Docket of Order	0.3
04/30/10	AJB3	Conference and telephone calls with WJB regarding re-recorded/re-filed 17 various District Court and County certified copies and 1 filing/recording in Winhall, Vermont or Order	0.4
04/30/10	AJB3	Telephone calls with Winhall, Vermont Town Clerk regarding filing/recording order	0.5
04/30/10	AJB3	Telephone calls with Saratoga, Schenectady, Columbia and Albany County Clerk's Office and title agent regarding re-recording/filing of certified copy of Order	0.9
04/30/10	AJB3	Telephone calls with US District Court of Northern District of New York regarding additional certified copies of Order	0.4
04/30/10	AJB3	Conference with WJB and E-mails regarding Benchmark Communications ACH debit for payroll	0.2
04/30/10	AJB3	E-mails regarding Cruise Division check and payroll	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/30/10	AJB3	Prepare 17 letters and check requests for recording/filing of certified copy of Order in District Courts and County Clerk's Offices	3.1
04/30/10	AJB3	Coordinate checks and Federal Express of various District Court and County Clerk's Offices filings/recording	1.0
04/30/10	ALH1	Further drafting of letters relating to pending arbitrations and litigations	1.1
04/30/10	ALH1	Multiple phone conversations with plaintiff's attorneys regarding same	0.9
04/30/10	ALH1	Preparation for conference call with Carnival regarding YOLO cruise	0.2
04/30/10	ALH1	Participation in conference call with Carnival regarding YOLO cruise	0.5
04/30/10	ALH1	Drafting of memorandum regarding YOLO conference call	0.6
04/30/10	ALH1	Teleconference with S Jones and D Smith regarding International Cruises and Excursions	0.3
04/30/10	ALH1	E-mail to WJB re International cruises	0.3
04/30/10	ALH1	Review of loan documents from J Carr re: State Street	0.6
04/30/10	TAR	Meeting with McGinn Smith employees re payroll issues; Correspondence with WJB re same	0.4
04/30/10	TAR	Retrieved certified orders from the Northern District of New York clerk's office; Issues re service of same	2.5
05/03/10	WJB	Review new SEC deposition dates, check for availability on same and calendar	0.1
05/03/10	WJB	Conference AJB3 regarding new filings received from bank and organize with checklist and compare to older numbers concerning bank accounts	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/03/10	WJB	Telephone call to TAR regarding status of District Court hearing and adjournment of same	0.1
05/03/10	WJB	Conference with JPF2 regarding New York State tax form received from B Shea and request for him to consult with JAL concerning filing requirements; E-mail B Shea regarding same	0.1
05/03/10	WJB	Telephone call from Lisa of the USDC, District of Vermont to explain reason for second filing of certified copy of District Court Order based upon missing page in first certified version provided by NDNY	0.1
05/03/10	WJB	Telephone call from W Zaid at Cook County Clerk's Office regarding attempt to identify T McGinn property in Cook County, IL joining JPF2 into call to help identify property for filing of receiver order in Cook County	0.3
05/03/10	WJB	Telephone call from D Smith regarding Carnival Cruise Line questions and issues	0.1
05/03/10	WJB	Review lease documents received from W Shaw for verifying legitimacy and prepare reply e-mail W Shaw regarding independent third party confirmation	0.1
05/03/10	WJB	E-mail M Lasch regarding management, partners and accounting	0.1
05/03/10	JPF2	Revise summary of asset search results	0.4
05/03/10	AJB3	Telephone calls with County Clerks and District Courts regarding status of filing (revised) certified copy of Order	0.9
05/03/10	AJB3	Telephone call with Wanda Shaw regarding Mercantile accounts relating to Cruise Division and additional bank drafts authorized by receiver	0.2
05/03/10	AJB3	Telephone calls and e-mails with WJB, Richard of Mercantile and Caroline Trinkley regarding Mercantile accounts relating to Cruise Division and additional bank drafts authorized by Receiver and new Receiver account	1.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/03/10	AJB3	Telephone calls with Ms Davies of National Life Insurance	0.1
05/03/10	ALH1	Review of correspondence from insurance carrier re: denial of coverage for E&O claims	0.1
05/03/10	ALH1	Conference call with Carnival re: settlement of cruise charter	0.4
05/03/10	ALH1	Preparation for conference calls	0.1
05/03/10	ALH1	Teleconference with D Levine regarding same	0.2
05/03/10	ALH1	E-mail to WJB regarding telephone call with D Levine	0.2
05/03/10	ALH1	Conference with M Newman re: FINRA disciplinary action	0.2
05/03/10	ALH1	Review of pleadings relating to KeyBank litigation	0.3
05/03/10	ALH1	Conference with multiple plaintiff's counsel re: pending litigations and arbitrations	0.5
05/03/10	ALH1	Review of correspondence from J Carr re: threatened litigations	0.2
05/03/10	ALH1	Preparation of letters to threatened litigants regarding same	0.4
05/03/10	TAR	Review of docket; Telephone call and correspondence with WJB re hearing on Order to Show cause	0.4
05/03/10	TAR	Visit to 99 Pine Street office; Coordination of fire detection session test; Issues re same	0.9
05/04/10	WJB	Multiple e-mails between ALH1, J Carr on stay of arbitration proceedings pursuant to Order to Show Cause	0.2
05/04/10	WJB	Review Double E legal analysis regarding request from T Welles for consent to amendments to loan documents to permit subordinated creditor to be cashed out; Prepare approval for same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/04/10	WJB	Prepare e-mail to and from M&T Bank regarding account transfers and setup	0.1
05/04/10	WJB	Review e-mail from J Carr on arbitration schedule; Prepare reply regarding coordination with ALH1 and need for overall chart and schedule	0.1
05/04/10	WJB	Take call from M&T Bank to evaluate opening new accounts	0.1
05/04/10	WJB	Conference with ALH1 regarding how to handle arbitrators versus McGinn Smith and third parties regarding scheduling and stay and brief request made by Philadelphia judge	0.1
05/04/10	AJB3	Update and organize all McGinn Notes, account information and create memos related to title company, court and county filings	2.6
05/04/10	AJB3	Telephone calls with various county clerk's offices and District Courts regarding filing of certified copy of Order (1 of 23 pages)	1.0
05/04/10	AJB3	Create excel spread sheet of various county clerk's offices and District Courts regarding filing of certified copy of Order (1 of 23 pages)	0.8
05/04/10	AJB3	Telephone call with Caroline Trinkley and Richard Antequera of Mercantile Bank regarding updated account balances and open account for Receiver	0.9
05/04/10	AJB3	Telephone call with WJB regarding Whitney Bank check requirements/process	0.1
05/04/10	ALH1	Preparation for arbitration hearing relating to Finley matter	0.4
05/04/10	ALH1	Participation in hearing regarding Finley matter	1.1
05/04/10	ALH1	Multiple conferences with J Carr regarding pending litigations and arbitrations	0.2
05/04/10	ALH1	Teleconference with J Hacker regarding Steinkirchner arbitration	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/04/10	ALH1	Review of pleadings relating to Steinkirchner arbitration	0.2
05/05/10	WJB	Exchange e-mails with D Stoelting regarding various questions and issues	0.4
05/05/10	AJB3	Receipt of filing/recording original and acknowledged certified copies of Order from various county clerk's offices and District Courts; Organize same	1.8
05/05/10	AJB3	Enter filing/recording information of original and acknowledged certified copies of Order from the various county clerk's offices and District Courts into excel spreadsheet	1.4
05/05/10	AJB3	Telephone call with Robin Davis of National Life Insurance regarding suspend transfer of policy	0.2
05/05/10	AJB3	Receipt of letter from National Life Insurance Company regarding suspend transfer of policy	0.2
05/05/10	ALH1	Calls with Monterrey Bank re: YOLO account information	0.2
05/05/10	ALH1	Teleconference with M Bustle regarding YOLO operating status, cruise deposits and calculation of account shortfall	0.3
05/05/10	ALH1	Review of proposed settlement agreement from Carnival	0.5
05/05/10	ALH1	Revisions and recommended changes regarding Carnival	0.4
05/05/10	ALH1	Review of Olympus America proceeding pleadings	0.4
05/05/10	ALH1	Conference with plaintiff's counsel regarding Olympus	0.2
05/05/10	ALH1	Review of letter brief from plaintiff's counsel re: Allegretta	0.6
05/05/10	TAR	Telephone calls with TMB re Featherstonhaugh's retrieval of documents; Correspondence with WJB re same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/06/10	WJB	Prepare e-mail to counsel for Full Circle regarding documentation for loan	0.1
05/06/10	WJB	Review D Stoelting letter to court on adjournment of preliminary injunction hearing and calendar adjourned date	0.1
05/06/10	WJB	Review multiple e-mails from DLA Piper lawyer representing Full Circle regarding documentation and e-mail B Shea regarding same	0.1
05/06/10	WJB	Meeting with T Welles, M Lasch regarding Accumed transaction and proposed payoff, issues and legal documentation regarding same	0.4
05/06/10	AJB3	Telephone calls with various county clerk's offices and District Courts to verify receipt of certified copy of Order 91 of 23); Organize information of filings in excel spreadsheet and enter for various county clerk's offices and District Courts filing/recording of Order	1.4
05/06/10	AJB3	Review and finalize Inventory Notes from on site at Alarm Traders, 99 Pine Street	1.1
05/06/10	AJB3	Telephone call with Southern District of Florida District Court regarding Civil Cover sheet	0.1
05/06/10	AJB3	Prepare Southern District of Florida District court cover sheet	0.1
05/06/10	AJB3	Telephone call with American Express representatives Emma Remoriz and Mike Conley regarding frozen accounts	0.2
05/06/10	AJB3	Prepare memorandum to file regarding telephone call with American Express representatives Emma Remoriz and Mike Conley regarding frozen accounts	0.4
05/06/10	AJB3	E-mails with Caroline Trinkley regarding account balances and bank charges	0.2
05/06/10	ALH1	Multiple phone calls with D Levine re: settlement agreement	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/06/10	ALH1	Multiple calls and e-mails with B Shea, Monterrey Bank and A Blidy re: YOLO account information	0.3
05/06/10	ALH1	E-mail to WJB regarding same	0.2
05/06/10	ALH1	Teleconference with M Newman re: FINRA disciplinary action	0.3
05/06/10	TAR	Review and revisions to inventory notes	0.3
05/07/10	WJB	Telephone call from M Conley at American Express with referral to I Axelrod of American Express as manager of legal and credit card operations for McGinn Smith credit cards and confirmation they were frozen on 4/28	0.2
05/07/10	WJB	Conference with AJB3 regarding status of local filings and memos on initial 2-day inventory	0.1
05/07/10	WJB	Revise AJB3 memos to file regarding inventory and first days of operation	0.1
05/07/10	WJB	Review draft B Mumford letter to SEC regarding Pine Street being released from Receivership, consider comments and reaction to same	0.4
05/07/10	AJB3	Telephone calls with various county clerk's offices and District Courts regarding status of filing/recording of certified copy of Order (1 of 23 pages)	1.3
05/07/10	AJB3	Update excel spreadsheet with filing/recording information from various County Clerk's Offices and District Courts regarding certified copy of Order (1 of 23 pages)	1.4
05/07/10	AJB3	E-mails regarding Mercantile account balances with Brian Cooper and WJB	0.2
05/07/10	AJB3	Telephone call with WJB regarding American Express cards frozen and his telephone call with Mike Conley about American Express	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/07/10	AJB3	Conference with WJB regarding Inventory Notes from 99 Pine Street site	0.3
05/07/10	ALH1	Review and revisions to revised agreement from Carnival; Teleconference with D Levine and D Dugan re: same	0.9
05/07/10	TAR	Correspondence and telephone calls with B Shea re Matthew McFinn documents	0.3
05/08/10	ALH1	Review and revisions to revised agreement from Carnival; Multiple e-mails to WJB regarding same	0.8
05/09/10	WJB	Review changes to proposed Carnival agreement received from Carnival counsel and ALH1 comments to same; Prepare reply to ALH1 regarding further questions regarding same	0.1
05/10/10	WJB	Review D Stoelting e-mail regarding no depositions and attend to canceling facilities arranged for same	0.1
05/10/10	WJB	Review proposed settlement agreement terms with Carnival for return of portion of deposit and simultaneous review of existing contract calculating risk of default and re-checking facts	0.7
05/10/10	WJB	Review final proposed version of Carnival settlement agreement and conference with ALH1 regarding final changes	0.3
05/10/10	WJB	Review Chang briefing order from Philadelphia Court of Common Pleas and consider approach concerning stay regarding third parties	0.2
05/10/10	WJB	Review ALH1 final issue with Carnival settlement agreement regarding venue	0.1
05/10/10	ALH1	Revisions to Carnival settlement agreement	0.5
05/10/10	ALH1	Multiple conferences with D Dugan and D Levine re: negotiations	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/10/10	ALH1	Teleconference with WJB re: Dugan and Levine	0.1
05/10/10	ALH1	Conference with Chang plaintiff's counsel	0.2
05/10/10	ALH1	Review of letter from Plaintiff's counsel re: Allegretta proceeding	0.3
05/10/10	ALH1	Multiple conferences with M Bustle re: post-closing issues	0.3
05/10/10	ALH1	Review of correspondence re: Taylor arbitration	0.2
05/11/10	WJB	Review Carnival settlement agreement and prepare e-mail SEC attorneys outlining same and results	0.3
05/11/10	WJB	Prepare e-mail B Shea, J Carr regarding settlement agreement with Carnival	0.2
05/11/10	WJB	Prepare e-mail B Shea regarding copy equipment details for surrender and request copies of leases	0.1
05/11/10	WJB	Review letter from Chang counsel regarding arbitration award and next steps	0.2
05/11/10	WJB	Prepare reply e-mail to B Shea regarding Full Circle status	0.1
05/11/10	WJB	Review payables list received from B Shea concerning Seton building and prepare reply e-mail with information request	0.2
05/11/10	WJB	Prepare e-mail M&T Bank on spec sheet authority to provide to ADP for ACH debits	0.1
05/11/10	WJB	Conference with JRG, SKR regarding review of employee policies concerning COBRA, employee benefits, accrued vacation time and other benefits, termination and related procedures	0.5
05/11/10	ALH1	Attention to closing of Carnival settlement agreement	0.1
05/11/10	ALH1	Multiple conferences with M Bustle regarding shutdown procedures for marketing and operations of YOLO	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/11/10	ALH1	E-mail to M Bustle re YOLO cessation	0.2
05/11/10	ALH1	Research of the internet for YOLO marketing materials that should be taken offline	0.6
05/11/10	ALH1	Drafting of letter brief re: Chang matter	0.9
05/11/10	TAR	Telephone calls with M Rekucki re McGinn Smith outside storage issues	0.3
05/11/10	TAR	Correspondence with WJB re removal of phone equipment issues re same	0.2
05/11/10	TAR	Review of facsimile to D Smith; Correspondence with WJB re same	0.3
05/12/10	WJB	Telephone message to L Mejia regarding Full Circle payment and doing so under reservation of rights	0.1
05/12/10	WJB	Review e-mail from David S at Illinois Federal District Court regarding filing of Receiver Order and reasons for additional version and prepare reply regarding same	0.1
05/12/10	WJB	Telephone call to M Guidry regarding Benchmark credit card program, need for call to deal with credit card processor and legal issues associated with same	0.2
05/12/10	ALH1	Multiple calls and e-mails with M Bustle re: YOLO shutdown issues	0.2
05/12/10	ALH1	Revisions to C Chang letter brief	0.5
05/12/10	ALH1	Teleconference with Defendant Lex's counsel regarding same	0.2
05/12/10	ALH1	Revisions and additions to summary spreadsheet of pending arbitrations and litigations	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/12/10	TAR	Telephone call with M Rekucki regarding consolidating off site storage units; Correspondence with WJB regarding same	0.4
05/13/10	WJB	Review ALH1 proposed letter brief to Philadelphia court regarding Chang matter and implication of stay	0.2
05/13/10	WJB	Telephone call to ALH1 regarding issues respecting implication of stay in certain actions	0.2
05/13/10	WJB	Review e-mail from M Guidry on .net and prepare reply regarding process to manage accounts receivable collections	0.2
05/13/10	WJB	Prepare draft default letter	0.2
05/13/10	ALH1	Final revisions to letter brief regarding C Chang proceeding	0.4
05/13/10	ALH1	Multiple teleconferences with D Stoelting re: effect of stay on pending arbitrations	0.3
05/13/10	ALH1	E-mail to and teleconference with WJB re: stay and arbitrations	0.2
05/13/10	ALH1	Review of correspondence and drafting of multiple letters to certain parties making payment demands of Receivership entities	0.9
05/13/10	ALH1	Drafting of letter to YOLO passengers re: cancellation of cruise	0.9
05/13/10	ALH1	Updates to summary spreadsheet of pending proceedings	0.6
05/14/10	WJB	Prepare e-mail ALH1 regarding litigation list for stay actions and preparation of same	0.1
05/14/10	ALH1	Drafting of letters to certain parties who have made payment demands of McGinn entities	0.6
05/14/10	ALH1	Additions and updates to summary of pending proceedings	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/14/10	ALH1	Review of pleadings regarding McGinn and Sullivan arbitrations	0.2
05/17/10	WJB	Prepare SEC issues list	0.1
05/17/10	WJB	Prepare e-mail SEC regarding Accumed distribution respecting Pine Street	0.1
05/17/10	WJB	Telephone call from E Castanon regarding competitor and disgruntled former employee; Telephone call to ALH1 regarding follow-up concerning actions to be taken to protect against tortious interference	0.2
05/17/10	WJB	Prepare e-mail J Dunn regarding response regarding Pine Street records	0.1
05/17/10	ALH1	Multiple calls and e-mails with E Castanon regarding White Glove issues with OVC	0.4
05/17/10	ALH1	E-mails and calls with WJB re: same	0.3
05/17/10	ALH1	Multiple calls with arbitration defendants' counsel	0.4
05/17/10	ALH1	Revisions to summary spreadsheet regarding same	0.2
05/17/10	ALH1	Teleconference with M Newman regarding FINRA proceeding	0.2
05/17/10	TAR	Meetings at McGinn Smith offices; Correspondence with WJB re same	2.9
05/17/10	TAR	Staffing issues at McGinn Smith; Telephone calls and meetings re same	0.8
05/18/10	WJB	Conference with JAL regarding need for Receiver to procure new EIN numbers and discuss facts possibly supporting same and need for investigation regarding same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/18/10	WJB	Telephone call from Albany counsel representing investor in recently filed FINRA action, referral to ALH1 and answer questions regarding status of receivership, claims process and general circumstances including stay	0.1
05/18/10	WJB	Conference with Pine Street officers on status of Accumed payout and receipt of payment	0.3
05/18/10	WJB	Conference with B Cooper regarding preparation of 120-day transfer summaries for each entity and explanation of format and need for information	0.1
05/18/10	WJB	Telephone call from J Dunn regarding trust information request	0.1
05/18/10	WJB	Telephone call to Asst. U.S. Attorney regarding need to obtain possession of AZ sales tax forms and checks taken as part of FBI search warrant	0.1
05/18/10	WJB	Telephone call to Asst. U.S. Attorney regarding discussion of privilege issues, case law on gap and permanent Receiver and follow-up on same	0.2
05/18/10	WJB	Revise draft Alarm Traders letter to Firstline customers for various legal issues	0.2
05/18/10	WJB	Further discussions with J Carr and D Keenholts regarding Firstline legal transaction and attempt to understand same, risk of loss of customers, review of documents provided regarding transaction and details regarding same provided by J Carr and D Keenholts	0.9
05/18/10	WJB	Conference with TAR regarding service of subpoena by Featherstonhaugh and issues surrounding same, next steps	0.2
05/18/10	K-K	Docket deposition dates for Tim McGinn, David Smith and Lynn Smith	0.2
05/18/10	KEM	Research receivership tax obligations; Speak with Allan Hill re background information	2.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/18/10	ALH1	Drafting of additional letters responding to payment demands	0.3
05/18/10	ALH1	Revision to summary of pending proceedings regarding same	0.1
05/18/10	ALH1	Phone with J. Schultz regarding State Street foreclosure	0.2
05/18/10	ALH1	Review of pleadings relating to State Street foreclosure	0.4
05/18/10	TAR	Meetings at McGinn Smith offices; Telephone call with WJB regarding same	1.5
05/18/10	TAR	Issues regarding subpoena; Research and telephone calls with WJB regarding same	0.6
05/19/10	WJB	Review revised Alarm Traders letter to Firstline customers for use by D Keenholts	0.2
05/19/10	WJB	Review subpoena for Pine Street records, consider scope and how to proceed and involvement of Pine Street employees	0.3
05/19/10	WJB	Prepare e-mail TAR regarding how to deal with service issues and resolution of same of subpoena and how to respond to same regarding K-1's rather than tax returns	0.1
05/19/10	WJB	Telephone call to TAR regarding Featherstonhaugh e-mail concerning service of subpoenas and issues	0.1
05/19/10	WJB	Extended conference with D Keenholts regarding Firstline legal documentation, need to take physical inventory and reason for same, contracts and fireproof cabinets, Firstline customer letter and process to have it printed and distributed, physical inspection of 99 Pine Street premises at request of landlord to organize and remove material, agreement on taking of inventory and process to satisfy landlord concerns	0.8
05/19/10	WJB	Telephone call to T Welles regarding subpoena received regarding Pine Street records from J Dunn and process to deal with same including tax return request	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/19/10	WJB	Discuss Livingston claim with B Shea regarding American Express card and overcompensation	0.1
05/19/10	WJB	Discuss IRA certificates with B Shea concerning Dinosaur customers	0.1
05/19/10	KEM	Email JAL re IRS receiver notice requirement	0.4
05/19/10	ALH1	Drafting of letter re: Olympus Mons	0.3
05/19/10	TAR	Issues regarding subpoena for Pine street Capital Partners tax documents; Correspondence regarding same with T Welles and M Lasch	0.5
05/19/10	TAR	Correspondence with D Stoelting , M Koenig, J Featherstonhaugh, and WJB regarding subpoena for Pine Street Capital Partners tax documents; Telephone calls with WJB regarding same	1.5
05/20/10	WJB	E-mail SKR regarding P Sicluna COBRA benefits as of April 30	0.1
05/20/10	WJB	Prepare e-mail J Featherstonhaugh on Subpoena questions regarding Pine Street regarding tax returns versus K-1's	0.1
05/20/10	WJB	Prepare e-mail J Carr regarding locating loan documents for H Ellis and Aquatic transaction and loan amounts due	0.1
05/20/10	WJB	Conference with J Carr regarding H Ellis Promissory Notes	0.1
05/20/10	WJB	Review e-mail from J Featherstonhaugh regarding service of process and scope issue as to subpoena	0.1
05/20/10	WJB	Telephone call from J Featherstonhaugh regarding scope of production and agreement on K-1's rather than tax returns	0.2
05/20/10	WJB	Discuss K-1 production for L Smith with T Welles	0.1
05/20/10	WJB	Two conferences with B Cooper regarding format and process to identify potential avoidable transfers within 120 days	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/20/10	WJB	Telephone conference SEC regarding proposed comments to preliminary injunction order	0.3
05/20/10	WJB	Review K-1's for L Smith and produce same	0.1
05/20/10	ALH1	Teleconference with J Schulz regarding State Street	0.2
05/20/10	ALH1	Review of pleadings e-mailed by same	0.2
05/20/10	ALH1	Review of demand letter from J Eric King	0.1
05/20/10	ALH1	Drafting of responses to demand letters regarding same	0.5
05/20/10	ALH1	Revisions to summary spreadsheet regarding same	0.3
05/20/10	TAR	Meetings with WJB at McGinn Smith offices regarding security issues	0.4
05/20/10	TAR	Review of same day surgery and alarm company files	0.8
05/20/10	TAR	Conferences with WJB regarding subpoena issues	0.3
05/20/10	TAR	Telephone calls with B Combs and M Rekucki regarding IRS document storage; issues regarding same	0.7
05/20/10	TAR	Meetings at McGinn Smith offices	1.5
05/21/10	WJB	Prepare e-mail J Featherstonhaugh on production of L Smith K-1's	0.3
05/21/10	WJB	Eric King inquiry from J Carr and demand and request for information and attend to same	0.1
05/21/10	WJB	Review latest version of SEC action preliminary injunction order re-draft by SEC, compare to existing version and make suggested changes and comments comparing to needed remedies for Receiver to function in circumstances existing to date	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/21/10	WJB	Telephone conference with L Mehraban, D Stoelting to discuss proposed preliminary injunction order and suggested changes and revisions, discussion of circumstances warranting same	1.0
05/21/10	WJB	Review APX letter from D Keenholts regarding alleged theft of accounts; Review and respond regarding tortuous interference claim and basis for facts	0.1
05/21/10	WJB	Review e-mail from J Dunn requesting further information and forward to M Lasch, T Welles for follow-up on delivery of information regarding Smith Trust	0.2
05/21/10	WJB	Reply to e-mail from J Dunn regarding document request and responding to same and process for same	0.2
05/21/10	WJB	Prepare reply to J Dunn to answer her question why use of words purported trustee and explanation as to question of ability and timing of same	0.1
05/21/10	K-K	Docket hearing date on motion for temporary restraining order	0.2
05/21/10	ALH1	Review of demand letter and related agreement regarding E King demand for payment	0.2
05/21/10	ALH1	Drafting of letter regarding same	0.3
05/21/10	TAR	Meetings at McGinn Smith offices; Phone/Security coverage	2.2
05/21/10	TAR	Travel to/from Clifton Park Storage facility to meet with FBI re return of evidence; meeting with FBI agents	2.5
05/22/10	WJB	YOLO Cruises: Retrieve Internet and website and news material as background for Receiver report	0.2
05/22/10	WJB	Review Bear Stearns statements requested by J Dunn for September and October 2004 and consider delivery of same in light of change of trustee the prior week; Prepare and send e-mail to J Dunn with statements per her request	0.3

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05/22/10	WJB	Review motion by Messrs. McGinn and Smith to stay SEC activity for Fifth Amendment reasons	0.1
05/22/10	WJB	Review L Smith opposition to preliminary injunction and consider facts reported in pleadings filed	0.3
05/24/10	WJB	Prepare e-mail to SEC counsel regarding resignation of Smith Trust trustee as received from J Dunn	0.1
05/24/10	WJB	Prepare email Albany office staff regarding SEC depositions and arranging for facilities and assistance	0.1
05/24/10	WJB	Prepare e-mail SEC on Pine Street space issues in relation to potential dismissal of Pine Street	0.1
05/24/10	WJB	Telephone call from L Mehraban at SEC regarding Pine Street space	0.1
05/24/10	WJB	Review J Dunn information request and prepare reply based upon M Lasch, T Welles e-mail report	0.2
05/24/10	WJB	Prepare e-mail M Lasch, T Welles regarding space access issues	0.1
05/24/10	WJB	Telephone call from D Stoelting regarding J Dunn motion and trustee law	0.2
05/24/10	WJB	Review J Dunn motion regarding trust and conference SLW regarding rights of settlor to name trustee under NY law	0.3
05/24/10	SLW	Conference W Brown regarding terms of trust and removal and appointment of successor Trustees	0.2
05/24/10	K-K	Docket last day for Smith & McGinn to oppose Order to Show Cause	0.2
05/24/10	KEM	Research receiver tax obligations; Draft memo on same	1.7
05/24/10	TAR	Issues re SEC depositions; conferences with REH and K-H re same; Telephone call with WJB re same	0.5

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05/24/10	TAR	Telephone call with TMB re correspondence received re receivership	0.2
05/24/10	TAR	Correspondence with WJB re investor letters and account information	0.3
05/25/10	WJB	Review e-mail from B Shea on Full Circle e-mail and use of roundtrip of funds and truncating process so that additional wires can be avoided; Prepare reply	0.1
05/25/10	WJB	Review minute entry on docket of case regarding no depositions this week and e-mail Phillips Lytle staff regarding canceling of conference rooms and deposition arrangements	0.1
05/25/10	WJB	Conference with D Keenholts regarding revisions to cease and desist letter to competitor regarding ability to solicit customers to transfer services	0.3
05/25/10	WJB	Telephone call to B Mumford regarding ongoing receivership process relating to Pine Street	0.1
05/25/10	WJB	Conference with M Lasch regarding follow-up communications with B Mumford concerning document production to Trust	0.1
05/25/10	KEM	Research tax obligations of receiver; Draft and revise memo on same	4.8
05/25/10	ALH1	Participate in arbitration hearing on Taylor matter	0.6
05/25/10	TAR	Telephone call with M Rekucki re storage facility consolidation issues	0.2
05/25/10	TAR	Telephone calls with Assistant US Attorney Combs re evidence issues; Telephone call with J Carr re same	0.3
05/26/10	WJB	Review Firstline letter to Judge regarding attrition of customers, depreciation of asset value and consequences to estate; Prepare e-mail to D Keenholts regarding same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/26/10	WJB	Extended meeting with D Keenholts, J Carr, B Shea regarding review of letter from Firstline prior owner asserting allegations, attempting to acquire assets and making assertions regarding handling of Firstline accounts, obtaining facts, discussion of same, analysis and course of action	1.0
05/26/10	WJB	Conference with ALH1 regarding letter from prior Firstline owner and suggestion of letter to court regarding not posting on docket and providing background facts	0.2
05/26/10	WJB	Telephone call to T Welles regarding discussion of response to Smith trust request for tax returns of Pine Street and alternatives to same, providing K-1's	0.2
05/26/10	JPF2	Livingston: Investigate law regarding statute of limitations applicable to claim for overpayment of salary and expense reimbursements	1.4
05/26/10	KEM	Email JAL re receiver tax obligation memo	0.1
05/26/10	ALH1	Review of Point Security Letter regarding Alarm Trading	0.2
05/26/10	ALH1	Multiple phone calls with chambers for chief judge, judge presiding over receivership case and magistrate judge re Point Security letter	0.5
05/26/10	ALH1	Drafting of letter to court regarding Point Security Letter	0.7
05/26/10	ALH1	Revisions to letter re Point Security	0.1
05/26/10	ALH1	Telephone with Allegretta's counsel	0.2
05/26/10	TAR	Telephone call with A Glass & Door, Inc re security installation at McGinn Smith office; Correspondence with WJB re same	0.3
05/27/10	WJB	Prepare e-mail L Mehabran requesting copy of proposed preliminary injunction order	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/27/10	WJB	Telephone call from D Stoelting, L Mehraban regarding proposed preliminary injunction order and standard of care for Receiver, discussion with defendants' counsel and point of view regarding same and need to do legal analysis regarding same	0.3
05/27/10	WJB	Conference ALH1 regarding research concerning standard of care for Receiver for preliminary injunction order	0.2
05/27/10	WJB	Prepare e-mail YKH regarding Firstline bankruptcy docket and order approving sale of contracts to Alarm Traders	0.1
05/27/10	WJB	Review e-mail from J Dunn on document production and forward to Pine Street personnel and counsel for advice	0.2
05/27/10	WJB	Conference with ALH1 regarding result of research on judicial immunity	0.2
05/27/10	WJB	Telephone call to B Mumford regarding documents for trust and proposed process for delivery to J Dunn, consultation regarding same and recommendations	0.2
05/27/10	WJB	Telephone call to B Mumford regarding scope of documents to be produced to J Dunn respecting Smith Trust and request to allow Receiver to proceed and process for same	0.1
05/27/10	WJB	Prepare e-mail J Dunn regarding terms of tender of documents and requesting confidentiality	0.1
05/27/10	WJB	Prepare comments to proposed letter from B Mumford to accompany document production and request to make all documents available other than tax returns	0.2
05/27/10	WJB	Prepare and send e-mail to J Dunn with documents made available by Pine Street for production in response to request	0.2
05/27/10	WJB	Prepare e-mails to D Stoelting regarding trust production of documents based upon comments made at court and identification for SEC of prior cooperation to produce documents and timeliness of same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/27/10	WJB	Prepare e-mail ALH1 regarding sending letter to judges concerning Firstline prior owner communications with court	0.2
05/27/10	WJB	Review revised receivership order and consider comments to same	0.1
05/27/10	WJB	E-mail ALH1 regarding letter to court regarding Firstline	0.1
05/27/10	WJB	Prepare e-mail ALH1 requesting comments to proposed preliminary injunction order and review reply and consider improvements	0.2
05/27/10	WJB	Review consent letter to preliminary injunction from Mr. Koenig	0.1
05/27/10	K-K	Docket FirstLine Funding LLC debt due date to Security Systems	0.2
05/27/10	ALH1	Legal research regarding liability standard of receiver under applicable law for terms of preliminary injunction order in response to M Konig question	2.5
05/27/10	ALH1	Review and comment of proposed preliminary injunction order	0.8
05/27/10	ALH1	E-mail to WJB regarding same	0.2
05/27/10	ALH1	E-mail to WJB regarding proposed mini substantive consolidation language	0.3
05/27/10	ALH1	Review of letter from Point Security counsel regarding Alarm Traders	0.1
05/27/10	ALH1	E-mails to court, SEC and Point Security regarding same	0.1
05/27/10	TAR	Meetings with SEC re depositions	0.3
05/27/10	TAR	Issues re security and McGinn Smith voicemail; Conferences with WJB and McGinn Smith employees re same	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/28/10	WJB	Prepare demand letter to Mr. Livingston	0.2
05/28/10	WJB	Conference KJE regarding jurisdictional issues concerning claims versus Livingston and others	0.1
05/28/10	WJB	Prepare e-mail D Stoelting on Albany Law School inquiry on Allegretta status	0.1
05/28/10	WJB	Review format for broker receivables and e-mail Trish Trombley regarding request for glossary of terms	0.2
05/28/10	WJB	Conference with Trish Trombley regarding Livingston facts for establishment of claim	0.2
05/28/10	WJB	Review J Dunn e-mail regarding allegations and statements allegedly made by court and consider course of action	0.2
05/28/10	WJB	Conference with SEC regarding allegations contained in J Dunn e-mail and report on inaccuracies regarding same, background of what occurred and why and protection of stakeholders in Pine Street	0.6
05/28/10	WJB	Review M Warren e-mail from M&T on Full Circle zero balance account and conference B Shea regarding authority to deal with same	0.2
05/28/10	WJB	Telephone call from J Featherstonhaugh regarding announcement of delivery of additional subpoenas and agreement to accept service of process	0.1
05/28/10	WJB	Review subpoena served by Featherstonhaugh law firm (3) and consider production issues regarding same and discuss scope of same with B Shea concerning location of records	0.5
05/28/10	WJB	Review J Dunn e-mail to WJB and T Welles regarding alleged mistake in Pine Street calculations	0.1
05/28/10	ALH1	Review of information relating to deposit makers for YOLO cruise	0.3

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05/28/10	ALH1	Drafting of letter to Allegretta counsel regarding status of discussions	0.4
05/28/10	ALH1	Multiple conversations with litigations and arbitration plaintiff's counsel	0.4
05/28/10	ALH1	Updates to pending litigation and arbitration spreadsheet	0.2
05/28/10	TAR	Telephone calls with TMB re McGinn Smith phone messages and security issues	0.3
05/28/10	TAR	Telephone calls with McGinn Smith employees re voicemail issues; Meeting re same	0.8
05/29/10	WJB	Prepare initial draft of Receiver Report	1.1
05/29/10	WJB	Investigation of law regarding Receiver immunity and applicability of standards relating to business judgment rule	0.4
05/29/10	WJB	Prepare e-mail M Koenig, D Stoelting, J Featherstonhaugh, J Dunn regarding three subpoenas served by Featherstonhaugh law firm for production regarding L Smith issues	0.2
05/29/10	WJB	Review three subpoenas regarding documents requested by L Smith and forward to Messrs. Carr, Cooper and Welles with explanation of production and deposition process	0.4
05/29/10	JPF2	Investigate law regarding standard of care applicable to receiver's business decisions	1.7
05/29/10	JPF2	Draft emails to WJB summarizing law regarding standard of care applicable to receiver's business decisions	0.2
05/29/10	JPF2	Telephone call with WJB regarding research issue on standard of care	0.1
06/01/10	WJB	Tickle dates for three subpoenas for J Carr, T Welles and B Cooper and attend to review of same relating to preliminary injunction hearing	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/01/10	WJB	Prepare letter B Shea regarding depositing three subpoena checks into general account	0.1
06/01/10	WJB	Prepare reply e-mail to B Mumford on Pine Street Receiver Order now that same has been separated from larger preliminary injunction order	0.1
06/01/10	WJB	Review B Mumford e-mail regarding okay on access to space and arrangements at 99 Pine Street if Pine Street Capital is released from Receivership	0.1
06/01/10	WJB	Review proposed Allegreta status letter received from ALH1 and prepare reply	0.1
06/01/10	WJB	Prepare e-mail ALH1 regarding sending Allegreta letter	0.1
06/01/10	WJB	Telephone call from TAR regarding call from Featherstonhaugh law firm on where and whose deposition would be held that day by SEC and conference in K McGrath and D Stoelting at SEC regarding same and make arrangements regarding making space available for depositions at Phillips Lytle and discuss how to communicate same to Featherstonhaugh law firm	0.3
06/01/10	WJB	Review J Dunn e-mail on further subpoena and reply regarding process and service	0.1
06/01/10	WJB	Telephone call from B Shea, B Cooper, MHG regarding questions on production to Featherstonhaugh subpoena, process and scope	0.3
06/01/10	WJB	Review Featherstonhaugh response to SEC motion for protective order as filed with court	0.1
06/01/10	WJB	Telephone call from D Stoelting regarding questions concerning May/June 2009 \$100,000 transfer possibly involving Mrs. Smith	0.1
06/01/10	WJB	Review T Welles e-mail in reply to J Dunn and reply to T Welles regarding okay to send regarding document production	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/01/10	K-K	Docket deposition dates for Welles and Cooper	0.2
06/01/10	ALH1	Telephone calls with pending litigation counterparties	0.4
06/01/10	ALH1	Review of plaintiff brief regarding Chang proceeding	0.4
06/01/10	ALH1	Review of multiple letters from FINRA regarding stay of pending arbitrations	0.2
06/01/10	TAR	Telephone call with WJB and J Featherstonhaugh re SEC Depositions; Issues re same	0.6
06/01/10	TAR	Telephone calls with B Shea re insurance and off-site storage issues	0.4
06/01/10	TAR	Issues re McGinn Smith voicemail; Conferences with T Berkeley, B Shea and D Keensholts re same	0.6
06/01/10	TAR	Research re jurisdiction of receivership claims; Preparation of memorandum re same	3.2
06/01/10	MHG	Telephone discussion with B Cooper regarding questions related to document production requested by parties	0.2
06/01/10	MHG	Telephone discussion with W Brown, B Cooper and B Shea re response to subpoena	0.3
06/01/10	MHG	Telephone discussion with J Carr re response to subpoena	0.2
06/02/10	WJB	Review final version of preliminary injunction order received from SEC and communicate comments regarding same	0.6
06/02/10	WJB	Meet with MHG, B Cooper and J Carr regarding potential document production in response to subpoenas received relating to preliminary injunction hearing, legal duties and scope of response	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/02/10	WJB	Telephone call from L Mehraban and D Stoelting regarding standard of care for Receiver and preliminary injunction order, case law and suggestions regarding same	0.3
06/02/10	WJB	Prepare consent on behalf of Receiver to preliminary injunction order	0.2
06/02/10	WJB	Review document production status and depositions with MHG	0.3
06/02/10	WJB	Conference with J Featherstonhaugh regarding document production status and process	0.1
06/02/10	WJB	Conference with B Shea regarding identification of other entities associated with Pine Street Capital	0.2
06/02/10	WJB	Review preliminary injunction language as revised received from D Stoelting concerning duty of care	0.2
06/02/10	WJB	Prepare e-mail ALH1 regarding request to review preliminary injunction order	0.1
06/02/10	WJB	Review MHG draft e-mail to Featherstonhaugh and prepare revisions regarding document production	0.1
06/02/10	WJB	Prepare memo to file regarding conversation with J Featherstonhaugh regarding document production in connection with preliminary injunction hearing	0.1
06/02/10	ALH1	Review of motion for default against McGinn and Smith individually	0.2
06/02/10	ALH1	Review of draft PI Order language regarding liability	0.2
06/02/10	ALH1	Drafting of letter regarding Allegretta proceeding and Receiver's position on proceeding against other defendants	0.6
06/02/10	TAR	Telephone call with WJB re contents of boxes returned by FBI; Telephone call with M Rekucki at storage facility re same	0.3

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06/02/10	TAR	Correspondence with B Shea and M Rekucki re storage facility insurance issues	0.4
06/02/10	MHG	Reviewed and compiled documents responsive to Subpoena and prepared letter to Mr Featherstonaugh	0.5
06/02/10	MHG	Met with J Carr, T Wells and B Cooper to review documents responsive to subpoena and prepare them for testimony	4.5
06/02/10	MHG	Prepared e-mail to Mr Featherstonaugh concerning documents responsive to Subpoenas	0.1
06/03/10	WJB	Telephone call from B Mumford regarding J Dunn comments on confidentiality	0.1
06/03/10	WJB	Conference with MHG regarding status and outcome of deposition of T Welles	0.1
06/03/10	WJB	Prepare multiple revisions of First Receiver Report in preparation for filing with District Court	4.2
06/03/10	WJB	Review SEC Memorandum of Law as filed with District Court	0.1
06/03/10	ALH1	Review of pleadings and correspondence relating to pending arbitrations	0.5
06/03/10	ALH1	Revisions to summary spreadsheet regarding same	0.2
06/03/10	ALH1	Teleconference with Allegretta's counsel regarding same	0.2
06/03/10	TAR	McGinn Smith voicemail issues; Telephone calls with WJB and D Keenholts	0.5
06/03/10	TAR	Telephone calls with J Tibbits (investor) re account issues; Conference with WJB re same	0.4
06/03/10	TAR	Meetings at McGinn Smith off-site storage facility; Consolidation of storage units and document issues	2.5

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06/03/10	MHG	Attended deposition of B Cooper and T Welles	6.0
06/03/10	MHG	Reviewed notes and prepared summary of Deposition testimony of T Welles and B Cooper	0.5
06/04/10	WJB	Telephone call from D Stoelting regarding outcome of preliminary injunction terms following meeting with Messrs. McGinn and Smith	0.1
06/04/10	WJB	Review revised preliminary injunction order as filed with District Court for incorporation of agreed upon terms	0.3
06/04/10	WJB	Review and discuss with B Shea request from U.S. Attorney's office for additional documents and how to provide	0.2
06/04/10	WJB	Revise consent to preliminary injunction order on behalf of Receiver, review preliminary injunction order as exhibit I	0.8
06/04/10	WJB	Prepare e-mail SEC with proposed corrections to preliminary injunction order as filed with Court	0.2
06/04/10	WJB	Prepare e-mail E Combes regarding need for thumb drive to copy documents requested by U.S. Attorney's Office	0.1
06/04/10	WJB	Respond to SEC e-mail on requested M Koenig changes to preliminary injunction order	0.2
06/04/10	WJB	Review revised preliminary injunction order with final changes	0.2
06/04/10	WJB	Revise consent to preliminary injunction by receiver based upon revised preliminary injunction order	0.1
06/04/10	WJB	Attend to filing of Consent to preliminary injunction order by Receiver	0.2
06/04/10	WJB	Attend to filing of Receiver's First Report	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/04/10	WJB	Discuss with D Stoelting certain Pine Street issues related to release of Pine Street from Receivership and relationship with third parties	0.2
06/04/10	ALH1	Review of first report of receiver	0.3
06/04/10	ALH1	Teleconference with Allegretta's counsel regarding adjournment of upcoming hearings and other issues	0.2
06/04/10	ALH1	Revisions and further drafting to letter regarding Receiver's position on Allegretta proceedings	0.5
06/04/10	TAR	Correspondence with M Rebucki re McGinn Smith off-site storage issues	0.3
06/07/10	WJB	Review preliminary injunction order as revised and received from L Mehraban on 6/4	0.1
06/07/10	WJB	Review D Stoelting letter to court with proposed Pine Street order	0.1
06/07/10	WJB	Review final draft of preliminary injunction order received from L Mehraban at SEC	0.1
06/07/10	WJB	Prepare for preliminary injunction hearing and testimony	0.1
06/07/10	WJB	Review e-mail from B Shea on state and scope of document request from Asst. U.S. Attorney and e-mail E Combes to arrange for delivery pick-up and coordination on same; E-mail B Shea regarding same	0.2
06/07/10	WJB	Review SDFL Notice dismissing action and consider consequences for effect of filed Receiver Order because of way SDFL opened matter when Receiver Order was filed	0.2
06/07/10	WJB	Conference with JPF2 regarding SDFL action regarding Receiver Order and follow-up and send prior chart regarding Receiver Orders as filed in various jurisdictions	0.1

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06/07/10	WJB	Review S Jones letter to District Court regarding testimony of Messrs. McGinn and Smith at preliminary injunction hearing and Fifth Amendment rights	0.1
06/07/10	WJB	Review J Dunn letter objecting to Pine Street Order pending resolution of preliminary injunction hearing	0.1
06/07/10	WJB	Review P Hacker letter and motion to FINRA to resign as counsel; E-mail ALH1 regarding same and requested follow-up	0.1
06/07/10	WJB	Review J Dunn e-mail requesting more Pine Street documents and coordinating with MHG regarding same	0.1
06/07/10	WJB	Telephone call from ALH1 regarding FINRA matters, stay and resignation motion by Mr. Hacker	0.1
06/07/10	WJB	Conference with JPF2 regarding Miami District Court and treatment of Receiver Order and treatment of case as closed and implications regarding same	0.2
06/07/10	WJB	Telephone call from M Koenig regarding protocol for sharing information with Receiver from Messrs. McGinn and Smith and how to accomplish same, legal considerations concerning scope of any confidentiality protections	0.2
06/07/10	WJB	Review FINRA second notice of complaint and e-mail to M Koenig regarding implications for Messrs. McGinn and Smith	0.1
06/07/10	JPF2	Review docket information for all receivership order filings in district courts	0.9
06/07/10	JPF2	Telephone calls with clerks office and judges chambers regarding significance of case closing order	0.3
06/07/10	ALH1	Review to recent correspondence relating to FINRA actions	0.2
06/07/10	ALH1	Revisions to summary of pending matters regarding same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/07/10	TAR	Correspondence with M Rebucki re McGinn Smith storage facility issues	0.3
06/07/10	TAR	Correspondence with WJB re investor concerns; Telephone calls with B Shea and J Tibbits re same	0.5
06/07/10	MHG	Telephone discussion with J Dunn concerning request for additional document; Telephone discussion with B Mumford	0.5
06/08/10	WJB	Prepare e-mail B Shea regarding requesting final decision from KeyBank on services provided without compensation or communication requesting transition of services by third week of June	0.1
06/08/10	WJB	Review e-mails from B Cooper regarding production of documents requested on 6/7 by J Dunn relating to Pine Street; E-mail from MHG regarding same and coordination	0.1
06/08/10	WJB	Conference with T Welles, B Cooper regarding review of documents from Pine Street to produce to J Dunn pursuant to request, appropriate confidentiality of other investors	0.4
06/08/10	WJB	Telephone call from B Mumford on documents to produce to J Dunn and appropriate redaction to preserve confidentiality of other investors	0.1
06/08/10	WJB	Conference with T Welles regarding additional documents located for production in response to J Dunn request and review redactions for other investor information as prepared by B Cooper	0.2
06/08/10	WJB	Review e-mail from M Shannon regarding FINRA proceeding and request for Receiver participation; Prepare reply to M Shannon regarding existence of court imposed stay	0.1
06/08/10	WJB	Prepare two emails ALH1 regarding FINRA conferences and attorney attendance, consider issues regarding same; Telephone call from FINRA regarding request to join call and decision on same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/08/10	WJB	Review documents from B Cooper for J Dunn production request and prepare e-mail J Dunn regarding same and forward same	0.1
06/08/10	WJB	Prepare reply e-mail to M Koenig regarding agreement by Receiver to make clarification on legal record during preliminary injunction hearing concerning preliminary injunction order on two points discussed by Receiver	0.1
06/08/10	WJB	Conference with B Cooper regarding additional information obtained regarding Pine Street relevant to J Dunn information request and arrange to produce same	0.2
06/08/10	WJB	Conference with B Cooper regarding correction of documents previously produced on one issue concerning transfers as provided to J Dunn	0.1
06/08/10	WJB	Prepare e-mails to parties in interest regarding inconsistencies and prior Pine Street produced information and provide information reconciling same	0.7
06/08/10	WJB	Send e-mail to parties in interest of redacted Pine Street Capital Partners information redacting investor information	0.2
06/08/10	WJB	Review and send Pine Street Capital interest payment schedule packet to parties in interest regarding J Dunn production request	0.2
06/08/10	WJB	Prepare reply e-mail to J Dunn concerning prior e-mail regarding statements made by magistrate as reported by J Dunn concerning production of documents and related matters	0.4
06/08/10	WJB	Review e-mail from J Carr regarding receipt of subpoena	0.1
06/08/10	WJB	Review J Dunn opposition as filed with District Court regarding trust being pierced	0.1
06/08/10	WJB	Telephone call from B Shea regarding fact of being served with subpoena and consider course of action regarding same and referral to individual counsel	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/08/10	WJB	Review District Court case docket in preparation for testimony at preliminary injunction hearing	0.1
06/08/10	JPF2	Prepare draft of letter to District Court for Southern District of Florida regarding closing of case	0.7
06/09/10	WJB	Conference with J Carr, B Shea regarding receipt of subpoenas from Mrs. Smith's counsel, handling of same and arranging for testimony time with counsel for Mrs. Smith	0.3
06/09/10	WJB	Attend preliminary injunction hearing at District Court including testimony as witness	2.9
06/09/10	WJB	Attend preliminary injunction hearing at District Court	3.2
06/10/10	WJB	Attend preliminary injunction hearing at District Court including testimony of Mr. McQuade, Mrs. Smith and T Welles	3.9
06/10/10	WJB	Attend continued preliminary injunction hearing at District Court	3.2
06/10/10	ALH1	Review of correspondence from T O'Connor regarding arbitrations	0.2
06/10/10	TAR	Assisted SEC with document copies	0.4
06/11/10	WJB	Prepare e-mail to civil action parties regarding intent to release Pine Street monies based upon Pine Street order concerning receivership	0.1
06/11/10	WJB	Prepare e-mail T Welles, M Lasch, B Shea regarding process to release monies back to Pine Street from M&T accounts	0.1
06/11/10	WJB	Telephone call from B Coumbs regarding request for Quicken files and historical bank accounts	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/11/10	WJB	Conference with TAR regarding facts concerning claims against T Livingston for unreimbursed credit card charges including wedding, overpaid compensation and life insurance policies and preparation of legal action regarding same and revisions to demand letter	0.3
06/11/10	WJB	Prepare e-mail B Shea regarding new assistant U.S. Attorney request concerning Quicken files and historical bank accounts	0.1
06/11/10	WJB	Attend continued preliminary injunction hearing at District Court	2.4
06/11/10	WJB	Attend closing arguments of preliminary injunction hearing at District Court including requesting court to continue TRO and arrangements for commencement of litigation on consent of parties	2.6
06/11/10	JPF2	Telephone call with TAR regarding state law causes of action regarding T Livingston	0.1
06/11/10	ALH1	Review of recent correspondence relating to FINRA proceedings	0.3
06/11/10	ALH1	Conference with Allegretta's counsel regarding proceedings	0.1
06/11/10	TAR	Conference with WJB re claims against T Livingston; Review of documents and research re same	3.1
06/11/10	TAR	Revisions to demand letter to T Livingston	0.4
06/11/10	MHG	Consultation with TAR re litigation strategy TLivingston	0.3
06/14/10	WJB	Review Meyers vs. Integrated Alarm Services SDNY Complaint used as Plaintiff's exhibit 131 at preliminary injunction hearing and arrange to obtain copy	0.1
06/14/10	WJB	Prepare e-mail TAR regarding Livingston issues and status	0.1
06/14/10	SEO	Research USDC-SDNY website for docket sheet	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/14/10	TAR	Meetings with B Shea and P Trombley re T Livingston matter; Review of Financial information re same	1.8
06/14/10	TAR	Research re preparing Livingston complaint concerning claims, statutes of limitation and jurisdiction	2.4
06/15/10	PKS	Review FINRA issue; E-mails with TAR regarding same	0.3
06/15/10	WJB	Prepare e-mail to A Afflex regarding Firstline documentation amendment for closing at request of selling parties regarding deposit	0.1
06/15/10	WJB	Telephone call to T McMullen regarding insurance review by outside consultant and consider issues, approaches and cost	0.2
06/15/10	WJB	Consider T Livingston statute of limitations issues and discuss with ESB issue of bringing claims upon which statute of limitations has passed and ethical duties relating to same	0.1
06/15/10	TAR	Research re FINRA jurisdiction over Livingston claims; Conference with PKS and correspondence with WJB re same	3.3
06/15/10	TAR	Telephone calls with T Trombley and B Shea re Livingston employment issues	0.3
06/15/10	TAR	Meetings with B Shea re T Livingston claims	0.6
06/16/10	WJB	Telephone call from B Hoover regarding discussion of Benchmark intentions on sale	0.2
06/16/10	WJB	Telephone conference with Afflex regarding Firstline escrow, request to amend agreement and discuss reasons why an express receivers lack of interest in amending agreement	0.2
06/16/10	TAR	Preparation of T Livingston Statement of Claims	3.6
06/16/10	TAR	Review of FINRA filing procedures	0.7

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06/16/10	TAR	Correspondence with B Shea re Livingston loan	0.3
06/16/10	TAR	Review of updated Livingston financial information; Correspondence with B Shea and WJB re same	0.4
06/17/10	PKS	Conference with WJB regarding FINRA issues re T Livingston	0.2
06/17/10	WJB	Review J Dunn supplemental exhibit list, agreement on extension of time to answer filed by Mr. Koenig and SEC Memorandum on Fifth Amendment inferences	0.4
06/17/10	WJB	Discuss FINRA rules with PKS regarding necessity to bring T Livingston claim under arbitration rules versus suing in District Court and applicable statute of limitations	0.1
06/17/10	TAR	Review of and revisions to T Livingston statement of claim; Research re new causes of action to allege in same	2.9
06/17/10	TAR	Telephone call with B Shea re T Livingston life insurance and loan issues; Correspondence with WJB re same	0.4
06/17/10	MHG	Consultation with TAR concerning strategy for preparation of statement of claim; Reviewed and revised statement of claim re Livingston	0.8
06/18/10	WJB	Review FINRA complaint prepared by TAR assuming FINRA jurisdiction	0.1
06/18/10	WJB	Continue review of Livingston FINRA Complaint; Prepare comments to same and e-mail same to TAR and suggestions on next steps	0.4
06/18/10	WJB	Conference with TAR regarding approach concerning Livingston claims and filing of same	0.2
06/18/10	WJB	Review new draft demand letter to Livingston based upon life insurance claim; E-mail TAR regarding approval of same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/18/10	WJB	Review Featherstonhaugh law firm memorandum of law on Fifth Amendment inferences to be drawn	0.1
06/18/10	ALH1	Review of recent pleadings and correspondence filed relating to Allegretta proceeding	0.2
06/18/10	TAR	Revisions to Livingston statement of claim; Conferences with WJB re same	3.5
06/18/10	TAR	Telephone call with B Altman re time-line for proceeding; Correspondence re rents received	0.5
06/18/10	TAR	Telephone calls with CLT re T Livingston statement of claim; Correspondence re same	0.8
06/18/10	TAR	Research re causes of action for T Livingston statement of claim	0.7
06/18/10	TAR	Telephone calls with B Shea re T Livingston life insurance issues	0.5
06/18/10	MHG	Consultation with TAR regarding Livingston Statement of Claim; Reviewed and revised draft Statement of claim	0.2
06/18/10	CLT	Conference with TAR re status and plan for FINRA filing	0.3
06/19/10	WJB	Review Intervenor's Memorandum of Law on Fifth Amendment presumption to be drawn at preliminary injunction hearing	0.1
06/19/10	WJB	Review Featherstonhaugh Memorandum of Law filed on behalf of L Smith regarding Fifth Amendment presumption to be drawn regarding preliminary injunction hearing	0.1
06/21/10	PKS	Livingston matter - Review statement of claim; Conference regarding FINRA issues	0.5
06/21/10	WJB	Review ALH1 letter to FINRA examiner regarding hearing on final examination	0.1

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06/21/10	WJB	Review and prepare e-mail CLT regarding T Livingston Complaint to be filed in District Court	0.3
06/21/10	ALH1	Drafting of letter regarding FINRA examination scheduled for June 22	0.5
06/21/10	ALH1	Teleconference with examiner regarding same	0.2
06/21/10	ALH1	Drafting of letter regarding FINRA disciplinary proceeding	0.6
06/21/10	ALH1	Review of recent correspondence regarding FINRA proceedings	0.2
06/21/10	ALH1	Teleconference with various attorneys representing litigants	0.3
06/21/10	ALH1	Revisions to litigations summary spreadsheet	0.2
06/21/10	CLT	Teleconferences with FINRA personnel re FINRA jurisdiction given suspension of McGinn Smith	0.6
06/21/10	CLT	Investigation of law re exclusivity of FINRA jurisdiction	0.9
06/22/10	WJB	Consider whether FINRA is appropriate or necessary jurisdiction; Two conferences with CLT regarding same	0.2
06/22/10	WJB	Prepare e-mail D Stoelting at SEC regarding thoughts on FINRA jurisdiction regarding Livingston claim	0.1
06/22/10	WJB	Telephone call to D Stoelting regarding FINRA jurisdiction and prepare e-mail regarding position taken by FINRA officers and forwarding of same	0.2
06/22/10	WJB	Review e-mail from D Stoelting regarding jurisdiction regarding Livingston claim and discuss with CLT to revamp pleading to NDNY action	0.1
06/22/10	WJB	Consider jurisdiction issues for NDNY complaint regarding Livingston and investigation of law regarding same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/22/10	WJB	Review NYS hospital closure report for possible implications on St. Mary's Hospital in Troy with Samaritan Hospital in Troy for potential effect on Seton Building in preparation for Thursday meeting with Seton officials	0.1
06/22/10	ALH1	Conference with C Chung regarding Allegretta proceedings	0.3
06/22/10	ALH1	Review of letter filed by Allegretta's counsel in proceeding	0.2
06/22/10	ALH1	Review of pleadings relating to FINRA disciplinary proceeding	0.2
06/22/10	ALH1	Review of recent correspondence relating to FINRA arbitration proceedings	0.1
06/22/10	CLT	Teleconference with Judith at FINRA re exclusivity of FINRA jurisdiction	0.5
06/22/10	CLT	Teleconference with Matthew at CRD re McGinn membership suspension	0.3
06/22/10	CLT	Investigation of law re exclusivity of FINRA jurisdiction	0.3
06/22/10	CLT	Transform statement of claim to NDNY complaint	0.9
06/23/10	WJB	Prepare letter M McGinn regarding NYS Department of Health, record retention and removal of records in accordance with law from Century Hill Drive premises	0.1
06/23/10	WJB	Review draft letter to M McGinn regarding role as custodian of medical records for Imaging Center	0.1
06/23/10	WJB	Conference with J Carr, B Shea regarding background facts on Seton medical building, unpaid real property taxes, problem in collecting rents and common area charges, potential value of building, fact of land lease, analysis and course of action in preparation for meeting with Seton on 6/24	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/23/10	WJB	Review exhibits for Livingston Complaint, correct and revise Complaint and e-mail CWF regarding comments to Complaint and jurisdictional issues	0.7
06/23/10	WJB	Review and revise exhibits to Livingston Complaint	0.2
06/23/10	WJB	Review revised Complaint, approve same and e-mail CWF regarding same	0.2
06/23/10	CWF	Review ND Rules re commencement of action; Review complaint and forward to W Brown for approval to file; Draft Civil Cover Sheet and Summons and Complaint; Telephone conference with W Brown re substantial revisions that must be made to Complaint; Research secondary sources and federal statutes re jurisdiction of Receiver to recover property; Revise Complaint; Telephone conference with William Brown re amendment of Complaint; E-file Summons and Complaint; Review SEC Complaint	4.8
06/23/10	ALH1	Multiple phone conversations with Monterrey Bank regarding transfer of YOLO funds	0.2
06/23/10	ALH1	Conference with M Newman regarding FINRA disciplinary proceeding	0.3
06/23/10	ALH1	Review of pleadings filed in FINRA disciplinary proceeding	0.2
06/23/10	ALH1	Drafting and revisions to letter to Monterrey Bank regarding transfer	0.4
06/24/10	WJB	Review 6/14 J Carr e-mail on Palisades loan regarding VAR	0.1
06/24/10	WJB	Review VAR documents and consider possible analysis of interdicting Pine Street distribution; E-mail J Carr regarding documents and financing statements regarding Palisades	0.4
06/24/10	WJB	Discuss legal rights against Palisades and amounts due with J Carr	0.2
06/24/10	WJB	Consider VAR II analysis and prepare e-mail to B Mumford regarding receiver position on legal grounds	0.5

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06/24/10	WJB	Review e-mail from M Paley regarding 1099 file from B Cooper and prepare reply; Prepare e-mail B Cooper regarding obtaining 1099 file	0.2
06/24/10	WJB	Telephone message to V Roberti Sr. regarding Palisades loan and request that he call me	0.1
06/24/10	WJB	Telephone call to CWF regarding T Livingston service of process and e-mail same	0.2
06/24/10	ALH1	Drafting of letter regarding withdraw of YOLO funds	0.5
06/24/10	ALH1	Teleconference with C Parker regarding same	0.1
06/25/10	WJB	Prepare agenda for planned conference call with SEC regarding status	0.3
06/25/10	WJB	Telephone call from K Burns returning Receiver call to Mr. Roberti concerning Palisades claim, amount owed and course of action and request for timeline on process to develop repayment program	0.3
06/25/10	WJB	Revise agenda for SEC call and distribute same	0.2
06/25/10	ALH1	Revisions to letter regarding receiver authorization for wire	0.1
06/25/10	ALH1	Multiple e-mails to C Parker and B Shea regarding same	0.1
06/25/10	ALH1	Participatin in status conference re: FINRA disciplinary proceeding	0.9
06/28/10	WJB	Revise memo to file regarding F4W facts and \$52,000 payment	0.1
06/28/10	ALH1	Review of recent correspondence and notice relating to pending proceedings	0.2
06/28/10	ALH1	Revisions to summary of proceedings regarding same	0.2

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06/28/10	TAR	Correspondence with M Rekucki re storage unit issues	0.3
06/28/10	TAR	Telephone call with P Macheti re Livingston claims; Review of complaint	0.4
06/29/10	WJB	Telephone call from J Morris at Pachalski Stang law firm regarding representation of Palisades and agreement to call back on Friday following receipt of loan documents to discuss process for substantive answer; Prepare memo to file regarding same	0.2
06/29/10	WJB	Prepare comments to TAR draft e-mail to counsel for Livingston regarding acceptance of service of process and surrender of vehicle	0.1
06/29/10	WJB	Locate prior e-mail identifying Honda vehicle driven by Mr. Livingston and forward to TAR for forwarding to Livingston counsel	0.1
06/29/10	ALH1	Review of letter from Allegretta counsel regarding proposal to confirm arbitration award	0.3
06/29/10	TAR	Telephone calls with P Moschetti re Livingston lawsuit; Correspondence re same	0.9
06/30/10	TAR	Telephone call and correspondence to P Moschetti re Livingston vehicle	0.3
07/01/10	WJB	Conference TAR regarding communications with T Livingston counsel, insurance issues, attempt to locate T Livingston contact information and make attempted calls to work, home and cell regarding need for surrender of vehicle	0.2
07/01/10	WJB	Review P Sicluna small claims court action against Receiver and discuss course of action with J Carr and request to have him request plaintiff to dismiss in light of stay	0.2
07/01/10	WJB	Conference with J Carr regarding resolution of P Sicluna lawsuit	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/01/10	WJB	Review e-mail from and prepare e-mail to TAR on co-lease of vehicle and insurance requirements regarding T Livingston	0.1
07/01/10	ALH1	Review of letter from Allegretta's counsel regarding enforcement of judgment	0.3
07/01/10	ALH1	Review of proposed stipulation from FINRA regarding disciplinary proceeding	0.4
07/01/10	ALH1	E-mail to WJB regarding same	0.2
07/01/10	ALH1	Review of pleadings from M Casolo bankruptcy	0.5
07/01/10	TAR	Correspondence with WJB and P Moschetti re Livingston vehicle; Returning telephone calls re same	1.1
07/01/10	TAR	Issues re Livingston vehicle; DMV searches re same	0.5
07/01/10	MHG	Consultation with TAR concerning Livingston vehicle; DMV search regarding title owner (\$6.00 DMV charge)	0.3
07/02/10	WJB	Prepare e-mail B Shea regarding request from D Stoelting of SEC for copying certain information on to hard drive to be provided and return to SEC	0.1
07/02/10	WJB	Attempt to locate First Asst. U.S. Attorney document request letter from E Coombe and prepare e-mail E Coombe requesting identification of same	0.6
07/02/10	WJB	Telephone call from J Morris on behalf of Palisades to confirm engagement of representation and receipt of documents from Palisades regarding loans by McGinn Smith entities; Prepare memo to file regarding same	0.1
07/02/10	TAR	Correspondence with P Moschetti and WJB re vehicle lease issues	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/06/10	CWF	Telephone conference with clerk re filing of proof of service; Telephone conference with process service agency re Affidavit of Service for service of Scheduling Order and Civil Cover Sheet; File Proof of Service for Summons and Complaint; Email W Brown re follow up on Amended Complaint	0.4
07/06/10	ALH1	Preparation for 7/7 hearing on FINRA disciplinary proceedings	0.3
07/06/10	ALH1	Call with M Brustle regarding proof of auto insurance and business equipment	0.2
07/06/10	ALH1	Review of recent correspondence regarding various FINRA arbitration proceedings	0.3
07/07/10	WJB	Review e-mail from L Mehraban regarding SEC subpoena to ADP; Prepare reply regarding same	0.1
07/07/10	ALH1	Participation in hearing regarding FINRA disciplinary proceeding	0.8
07/07/10	ALH1	Drafting of letter to D. Stoelting regarding FINRA proceedings	0.3
07/08/10	WJB	Listen to voicemail message from Assistant U.S. Attorney regarding additional information requests; Telephone message regarding reply regarding search for and delivery of additional information	0.1
07/08/10	WJB	Telephone call from B Shea regarding search for additional documents for production and delivery to Assistant U.S. Attorney	0.1
07/08/10	WJB	Review J Dunn e-mail regarding release of funds based upon July 7 Court Order and consider situation including review of Order for relevant provisions	0.2
07/08/10	WJB	Prep reply e-mail to J Dunn regarding receiver's intentions concerning release of trust money in light of Judge's decision and failure of appeal to run	0.2

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07/08/10	WJB	Telephone call L Mehraban regarding potential fraudulent conveyance claims involving trust and transfer of assets by Smiths	0.1
07/08/10	WJB	Telephone call Assistant U.S. Attorney regarding questions and arrangements regarding production of documents pursuant to request	0.2
07/08/10	WJB	Telephone call from J Dunn regarding Receiver's intention concerning release of trust fund and amount of Acumed distribution	0.2
07/08/10	CWF	Telephone conference with Process Server re Affidavit of Service relating to service of civil cover sheet and Scheduling Order; Send and read multiple emails concerning Affidavit of Service for civil cover sheet and Scheduling Order	0.6
07/09/10	WJB	Prep e-mail to E Coombs on request for clarification on bank account statements requested by Assistant U.S. Attorney	0.1
07/09/10	ALH1	Revisions and further drafting of email to D.Stoelting regarding pending proceedings	0.5
07/09/10	ALH1	Phone with B. Shea regarding YOLO business equipment	0.1
07/09/10	TAR	Telephone call with P Moschetti re extension to answer T Livingston complaint; Correspondence re same	0.4
07/12/10	WJB	Review e-mail from J Carr regarding letter from Citibank regarding T McGinn subpoena received at Citibank and prep reply to J Carr regarding forwarding directly to T McGinn	0.1
07/12/10	TLW2	Telephone calls with Christine of Featherstonah's office re transfer of original deposition transcripts and signed/notarized signature page; met with representative of Fetherstonah's office to transfer same	0.1
07/12/10	CWF	Review Certificate of Insurance re Scheduling Order and civil cover sheet; Electronically file Certificate of Service	0.4

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07/12/10	ALH1	Phone with B. Shea regarding YOLO business property issues	0.2
07/12/10	TAR	Issues re water damage at 99 Pine Street; Site visit and preparation of update re same	1.7
07/12/10	TAR	Correspondence with WJB re Clifton Park off-site storage issues	0.4
07/13/10	WJB	Prep e-mail L Mehraban requesting transcripts of preliminary injunction hearing	0.1
07/13/10	TAR	Correspondence with R Moschetti and C Flansburg regarding extension to answer	0.4
07/14/10	WJB	Conference GFK regarding preparation for potential various asset sales, description of assets, proposed methodology and potential retention bonuses	0.2
07/14/10	WJB	Full Circle: Telephone call from L Mejia regarding request for status report on alarm contracts and intentions with regard to sale	0.2
07/14/10	WJB	Check on status of Livingston stipulation on extension of time to answer or move	0.1
07/14/10	WJB	Telephone call from L Arnold at SEC regarding general questions	0.1
07/14/10	WJB	Extended telephone call with B Shea to discuss financial situation in 2003 and 2004 at time Smith trust was established to determine circumstances surrounding financial performance and available cash	0.5
07/14/10	TAR	Revisions to stipulation regarding extension to answer; Correspondence with P Moschetti regarding same	0.4
07/15/10	WJB	Prep reply e-mail to court regarding return of exhibits and no exhibits having been submitted by Receiver	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/15/10	TAR	Correspondence with D Pearce and WJB re Livingston action	0.4
07/16/10	WJB	Telephone call from B Shea regarding schedule of commitments out of office and financial information follow-up	0.1
07/16/10	K-K	Docket last day for Livingston to respond to complaint	0.2
07/19/10	TAR	Correspondence with J Carr and WJB re off-site storage file issues	0.4
07/20/10	WJB	Telephone call L Mahraban regarding potential fraudulent conveyance lawsuit versus trust, FEIN payments and status of capital at time of creation of Smith trust, status of entry of Receiver order	0.2
07/20/10	WJB	Prep e-mail B Shea regarding 2003 and 2004 FIEN and IASG questions in relation to establishment of Smith trust	0.2
07/20/10	WJB	Prep notes on potential fraudulent conveyance issues regarding Smith trust	0.1
07/20/10	WJB	Revise e-mail to B Shea regarding facts concerning Smith trust establishment	0.2
07/20/10	WJB	Review SIPC letter, review response and forward same to SEC regarding question concerning potential SIPC insurance	0.2
07/20/10	WJB	Review SIPA provision referred to by SIPC in termination letter	0.1
07/20/10	WJB	E-mail J Carr regarding request copy of Seton lease analysis in order to evaluate monetary options	0.1
07/20/10	WJB	Prep letter P Siculana regarding withdrawal of small claims court action based upon federal court order and lack of decision on paid time off	0.1
07/20/10	WJB	Review two faxes from B Shea regarding 2003 and 2004 transactions related to potential fraudulent conveyance claim	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/20/10	WJB	Telephone call B Shea regarding follow-up on explanation of two faxes concerning 2003 and 2004 transactions relevant to analysis concerning potential fraudulent conveyance claim	0.2
07/20/10	TAR	Coordination of file removal from storage facility with WJB and J Carr	0.4
07/20/10	TAR	Correspondence with M Rekucki re storage unit issues; Telephone call re same	0.5
07/20/10	TAR	Conference with MHG re Seton Hall Associates lease issue	0.2
07/21/10	TLW2	Draft, edit and finalize letter enclosing copies of Cooper and Welles deposition transcripts to all parties; Distribute same	0.2
07/21/10	ALH1	Drafting of e-mail regarding YOLO cruise cancellation	0.6
07/22/10	WJB	Conference J Carr and B Shea regarding potential mechanics lien on imaging center property	0.1
07/22/10	WJB	Review materials from B Shea concerning 2003 and 2004 financial situation and impact upon establishment of Smith trust concerning potential Receiver claims including conference B Shea to review financial statements and discuss impact and analysis	1.1
07/22/10	TAR	Receipt and review of response from P Moschetti re Livingston claims; Conferences with WJB and B Shea re same	0.9
07/23/10	WJB	Prep e-mail M Guidry and B Bronstein on Benchmark sales agency check and requesting information on authority to make payment to Benchmark sales agency rather than payees of Note	0.2
07/23/10	WJB	Review proposed preliminary injunction order for any possible provisions and consistent with prior Judge Homer decision	0.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/23/10	WJB	Prep e-mail J Carr regarding follow up on P Siculana withdrawal of small claims court action regarding paid time off	0.1
07/23/10	WJB	Prep letter to Judge Homer requesting entry of preliminary injunction order and attend to filing of same	0.3
07/23/10	WJB	Telephone D Stoelting regarding entry of preliminary injunction order, disclosure of existence of annuity agreement entered into in connection with Smith trust, recollection of testimony at preliminary injunction hearing, review notes regarding same and discussion of intent of Smith beneficiaries concerning trust, legal analysis and implications	0.7
07/23/10	WJB	Review preliminary injunction order as signed by Court and necessary follow up regarding same	0.2
07/23/10	WJB	Benchmark: Review e-mail from Benchmark regarding payment of interest payments to Benchmark sales agency, authority for same; Prep reply e-mail concerning 1099 and review promissory note	0.3
07/23/10	WJB	Prep letter to P Siculana confirming telephone conversations with her and her husband concerning paid time off and need to withdraw claim at Albany small claims court; Revise same	0.3
07/23/10	KEM	Benchmark - Speak with WJB re 1099 - W-9 requirements for interest payment	0.1
07/23/10	ALH1	Drafting of e-mail regarding cancellation of YOLO cruise booking	0.5
07/23/10	TAR	Travel to/from off-site storage facility to meet with J Carr	0.9
07/23/10	TAR	Review of documents at off-site storage facility	2.1
07/26/10	WJB	Telephone call from Elizabeth Coombs regarding preliminary injunction order and trust fraudulent conveyance potential claim and response to document request	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/26/10	WJB	Prep reply letter to C Norman regarding Shoma Group nature of interest	0.1
07/26/10	TAR	Review of Business Corporation Law re T Livingston claim re repurchase of shares	0.8
07/27/10	WJB	Review stock purchase agreement regarding Mr Livingston and J Carr comments regarding same in connection with claim of obligation to repurchase stock	0.1
07/27/10	TAR	Telephone call with E Comb regarding documents inventoried by the FBI; Correspondence with WJB regarding same	0.4
07/28/10	WJB	Revise e-mail to SEC regarding suggestions regarding stay bonus for staff and others, research regarding same, prep initial calculations based upon information concerning payroll	0.9
07/28/10	WJB	Extended discussion with L Mahraban and D Stoelting regarding legal research on Smith trust and annuity, possible available exemption claims in New York Sate and analysis regarding same	0.5
07/28/10	TAR	Preparation of response to P Moschetti regarding claims against T Livingston; Conference with WJB regarding same; Telephone call with B Shea regarding same	1.4
07/28/10	MHG	Consultation with TAR regarding T Livingston claims	0.3
07/29/10	WJB	Review draft reply letter to Mr Livingston's counsel regarding stock purchase and expense card claims and defenses	0.1
07/29/10	WJB	Review Smith annuity received from SEC	0.1
07/29/10	WJB	Review e-mail from D Smith requesting prior report in electronic files concerning payment of fees and prep e-mail B Shea requesting location and identification of same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/29/10	WJB	Conference GFK regarding spendthrift provision in Smith trust agreement and review debtor creditor law regarding same	0.2
07/29/10	WJB	Conference JPF regarding request for investigation of law on potential exemption claims regarding Smith annuity under applicable New York law	0.2
07/29/10	WJB	Follow up conference JPF regarding questions regarding annuity agreements under applicable New York CPLR and insurance law	0.1
07/29/10	WJB	Conference SLW regarding New York estates power and trust law impact upon spendthrift provisions relevant to Smith trust	0.2
07/29/10	WJB	Review and revise proposed reply letter to Mr Livingston's counsel regarding stock purchase agreement and appropriateness of expenses; Review two July 21 P Moschetti letters regarding Livingston's asserted claims	0.6
07/29/10	WJB	Conference TAR to review proposed reply letter to Livingston's counsel, background facts and tone of response	0.2
07/29/10	WJB	Telephone call B Shea regarding financial analysis regarding 2003 and 2004 transactions	0.1
07/29/10	WJB	Two telephone calls L Mahraban at SEC and JPF regarding case law on annuities under applicable New York law, background facts and discussion of whether claim of exemption could be asserted	0.4
07/29/10	SLW	Conference WJB regarding spendthrift issues concerning Smith Trust	0.2
07/29/10	JPF2	Conference with WJB regarding research issue	0.2
07/29/10	JPF2	Investigate law regarding ability of creditor to exercise remedies against annuity held by debtor	1.9
07/29/10	JPF2	Conference with WJB regarding research results re annuity	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/29/10	JPF2	Telephone calls with WJB and SEC regarding annuity research results	0.2
07/29/10	TAR	Revisions to Livingston response; Conference with WJB regarding same	0.4
07/30/10	WJB	Consider issues concerning Smith trust and role of Receiver regarding same	0.1
07/30/10	WJB	Prep list of items for call with SEC; Participate in call with L Mahraban and D Stoetling regarding pending matters including who will commence fraudulent conveyance action involving trust issues and agreement on same, agreement on facts as understood and course of action	0.7
07/30/10	WJB	Conference JPF regarding ultimate results of research on annuity issues	0.2
07/30/10	WJB	Telephone call from L Mahraban regarding availability of general SEC ability regarding certain assets	0.2
07/30/10	WJB	Prep letter M Tolcott regarding Firstline investor identity in response to his letter received by fax concerning Firstline investments with unidentified investors	0.1
07/30/10	WJB	Review e-mail from SEC with D Smith handwritten notes and consider impact of same	0.2
07/30/10	WJB	Prep e-mail SEC with internal report concerning fees taken from funds by D Smith and T McGinn	0.1
07/30/10	WJB	Prep e-mail D Smith regarding LLC fee chart retrieved from company records at his request concerning fees charged to funds	0.2
07/30/10	JPF2	Further review of case law regarding applicability annuity exemption to enforcement rights	1.0
07/30/10	JPF2	Conference with WJB regarding the same	0.1

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CURRENT FEES

\$125,456.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Professional Services PAYEE: Loudon Locksmith Services; REQUEST#: 491207; DATE: 4/21/2010; Re: McGinn Smith	330.48
Professional Services PAYEE: Loudon Locksmith Services; REQUEST#: 491345; DATE: 4/22/2010; Re: McGinn Smith	421.20
Filing Fee PAYEE: Clerk, U.S. District Court; REQUEST#: 491421; DATE: 4/22/2010; Arizona	39.00
Filing Fee PAYEE: Clerk - Southern District Of Florida; REQUEST#: 491422; DATE: 4/22/2010.	350.00
Filing Fee PAYEE: Clerk - Columbia County; REQUEST#: 491423; DATE: 4/22/2010.	305.00
Filing Fee PAYEE: Palm Beach County Clerk; REQUEST#: 491424; DATE: 4/22/2010.	330.00
Filing Fee PAYEE: Excalibur Abstract; REQUEST#: 491425; DATE: 4/22/2010.	25.00
Filing Fee PAYEE: Clerk of The Court; REQUEST#: 491426; DATE: 4/22/2010; Vero Beach	280.50
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Telephone (Long Distance Only) Telephone; 3055235100, 8 Mins. Ext: 7020	1.60
Telephone (Long Distance Only) Telephone; 7723880656, 4 Mins. Ext: 7020	0.80
Telephone (Long Distance Only) Telephone; 6023227200, 6 Mins. Ext: 7020	1.20
Overnight Courier FX to District of Arizona/United States District Court	25.24
Overnight Courier FX to Excalibur Abstract	15.12
Overnight Courier FX to Vero Beach County Clerks Office	26.11
Overnight Courier FX to Anne Jurcsak	17.80
Overnight Courier FX to Kathy Culella	15.12
Overnight Courier FX to Palm Beach County Clerks Office	26.11

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Overnight Courier FX to Southern Distric of Florida/United States District Court	26.11
Filing Fee PAYEE: County Clerk - Schenectady; REQUEST#: 491582; DATE: 4/23/2010. - 33474.4 WJB, as Receiver of McGinn, Smith & Co. (Case Administration) Order to Show Cause	195.00
Miscellaneous PAYEE: Jurcsak, Anne; REQUEST#: 491588; DATE: 4/23/2010. - 33474.4 WJB, as Receiver of McGinn, Smith & Co. (Case Administration) Reimbursement of filings fee	204.00
Overnight Courier AJB3 - Fed Ex to Ms Anne Jurcsak re Case Admin	21.61
Overnight Courier AJB3 - Fed Ex to Schenectady County Clerk's Office re Case Admin	21.61
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Telephone (Long Distance Only) Telephone; 5045863510, 2 Mins. Ext: 7020	0.40
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Duplicating A1, 74 Page(s)	7.40
Duplicating P3, 164 Page(s)	16.40
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Miscellaneous PAYEE: U.S. District Court for the District of Colorado; REQUEST#: 491653; DATE: 4/26/2010. - 33474.00004 Brown, William J as Receiver of McGinn, Smith & Co., Inc. et al (Case Administration)	39.00
Professional Services PAYEE: Ritschdorff, Todd A.; REQUEST#: 491670; DATE: 4/26/2010; Locks and related tools to change locks at McGinn Smith	106.82

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Duplicating E1, 68 Page(s)	6.80
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Overnight Courier AJB3 - UPS to Eagle County Clerk's Office re Case Administration	45.26
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Travel Expense Brown, William J; WJB 04/20-04/21/10 Hotel for Amanda Blidy while in Albany, NY for McGinn Smith matter; 05/12/10	113.99
Travel Meals Brown, William J; WJB 04/20-04/21/10 Trip to Albany, NY for McGinn Smith receivership appointment and intial visit to premises; 05/12/10	47.63
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Facsimile 13015274873, 110 Page(s)	115.20
Facsimile 13015274873, 33 Page(s)	34.80
Travel Expense Hill, Allan L; ALH1-4/26/10, Trip to Albany re: Meeting with WJB	162.00
Overnight Courier FedEx to Vanier Martin	17.48
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Overnight Courier FedEx to Nicole C. Haynes	17.48
Overnight Courier FedEx to Bola Aguda	17.48
Overnight Courier FedEx to Robert L Geltzer	17.48
Overnight Courier FedEx to Adam J Gana	17.48
Overnight Courier FedEx to Christine Sgarlata	17.48
Overnight Courier FedEx to Scott R. Almas, Esq.	17.48
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GoDaddy.com - Search Engine visibility	
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GoDaddy.com - Personal email/calendar/file folder	
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Filing Fee PAYEE: Jeffrey S Eaton, Clerk of Court, USDC; REQUEST#: 492020; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order	39.00

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Filing Fee PAYEE: Fulton County Clerk; REQUEST#: 492021; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order	45.00
Filing Fee PAYEE: Montgomery County Clerk; REQUEST#: 492022; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order	45.00
Filing Fee PAYEE: Clerk, U.S. District Court; REQUEST#: 492025; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order and Complaint	39.00
Filing Fee PAYEE: Cook County Recorder of Deeds; REQUEST#: 492026; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order	100.00
Filing Fee PAYEE: Clerk Of The Court, Pinellas County; REQUEST#: 492027; DATE: 4/29/2010. - 33474.00004 Brown, William J as Receiver of McGinn Smith & Co Inc et al (Case Administration) Order	289.00
Overnight Courier AJB3 - UPS to Northern District of Illinois re Case Administration	38.09
Overnight Courier AJB3 - UPS to Clerk US District Court re Case Administration	46.06
Overnight Courier AJB3 - UPS to Fulton County Clerk re Case Administration	26.96
Overnight Courier AJB3 - UPS to Jeffrey S Eaton, Clerk of the Court, USDC re Case Administration	29.32
Overnight Courier AJB3 - UPS to Pinellas County Clerk of Court re Case Administration	40.71
Overnight Courier AJB3 - UPS to Montgomery County Clerk's Office re Case Administration	28.78
Overnight Courier AJB3 - UPS to Cook County Recorder of Deeds re Case Administration	33.81
Duplicating E1, 38 Page(s)	3.80
Duplicating E2, 384 Page(s)	38.40
Postage Package to Michael J. Newman	1.90

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Telephone (Long Distance Only) Telephone; 9178648740, 3 Mins. Ext: 7020	0.40
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Filing Fee PAYEE: Palm Beach County Clerk; REQUEST#: 492110; DATE: 4/30/2010.	330.00
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Filing Fee PAYEE: Clerk of The Court; REQUEST#: 492114; DATE: 4/30/2010; Northern District of Illinois	39.00
Filing Fee PAYEE: Montgomery County Clerk; REQUEST#: 492130; DATE: 4/30/2010.	45.00
Filing Fee PAYEE: Fulton County Clerk; REQUEST#: 492132; DATE: 4/30/2010.	45.00
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Filing Fee PAYEE: Eagle County Clerk; REQUEST#: 492135; DATE: 4/30/2010.	201.00
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Overnight Courier FX to Columbia County Clerks Office	20.82
Overnight Courier FX to Alfred A Arraj, US Courthouse	28.06
Overnight Courier FX to Jeffrey S Easton	20.82
Overnight Courier FX to Fulton County Clerk	21.48

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Overnight Courier FX to Montgomery County Clerks Office	16.94
Overnight Courier FX to Pinellas County Clerk of Court	44.87
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Overnight Courier FX to District of Arizona United States District Court	29.04
Overnight Courier FX to Saratoga County Clerk	18.66
Overnight Courier FX to Cook County Recorder of Deeds	49.91
Overnight Courier FX to Eastern Division Northern District of Illinois	38.91
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Telephone (Long Distance Only) Telephone; 9548855985, 3 Mins. Ext: 7020	0.60
Telephone (Long Distance Only) Telephone; 3055235205, 6 Mins. Ext: 7018	1.20
Filing Fee PAYEE: Winhall Town Clerk; REQUEST#: 492599; DATE: 5/5/2010. - 33474.00004 Brown, William J. as Receiver of McGinn, Smith & Co., Inc. et al (Case Administration)	320.00
Duplicating E2, 3 Page(s)	0.30
Overnight Courier WJB - UPS to Elizabeth Jenks, Town Clerk re Case Administration	22.19
Telephone (Long Distance Only) Telephone; 5042934000, 4 Mins. Ext: 7089	0.80
Telephone (Long Distance Only) Telephone; 5042934000, 1 Mins. Ext: 7089	0.20
Telephone (Long Distance Only) Telephone; 3055235205, 4 Mins. Ext: 7020	0.60
Telephone (Long Distance Only) Telephone; 3055235205, 2 Mins. Ext: 7020	0.40
Telephone (Long Distance Only) Telephone; 8022972122, 5 Mins. Ext: 7020	1.00
Telephone (Long Distance Only) Telephone; 5043788410, 52 Mins. Ext: 7089	10.40
Duplicating A1, 9 Page(s)	0.90
Duplicating E1, 3 Page(s)	0.30
Duplicating E2, 1 Page(s)	0.10
Duplicating E2, 2 Page(s)	0.20
Duplicating E2, 1 Page(s)	0.10
Duplicating E2, 32 Page(s)	3.20
Facsimile 18316251330, 8 Page(s)	9.00
Facsimile 18316251330, 19 Page(s)	20.60
Facsimile 18316251330, 5 Page(s)	5.80
Facsimile 18316251330, 2 Page(s)	2.20
Overnight Courier WJB - UPS to Rosie Hoy, Supervisor re McGinn Smith - Case Administration	23.54
Telephone (Long Distance Only) Telephone; 9703288723, 4 Mins. Ext: 7020	0.60
Telephone (Long Distance Only) Telephone; 3033352043, 3 Mins. Ext: 7020	0.40
Telephone (Long Distance Only) Telephone; 3126035656, 11 Mins. Ext: 7020	2.20

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Telephone (Long Distance Only) Telephone; 3126035083, 6 Mins. Ext: 7020	1.20
Telephone (Long Distance Only) Telephone; 5162250309, 2 Mins. Ext: 7020	0.20
Telephone (Long Distance Only) Telephone; 9545032926, 1 Mins. Ext: 7089	0.20
Telephone (Long Distance Only) Telephone; 5852734422, 2 Mins. Ext: 7089	0.40
Telephone (Long Distance Only) Telephone; 5852734422, 27 Mins. Ext: 7089	5.40
Filing Fee Cancellation of: PAYEE: Clerk, U.S. District Court; REQUEST#: 492107; DATE: 4/30/2010; Arizona	-39.00
Filing Fee Cancellation of: PAYEE: Clerk - Southern District Of Florida; REQUEST#: 492112; DATE: 4/30/2010.	-350.00
Filing Fee Cancellation of: PAYEE: Jeffrey S Eaton, Clerk of Court, USDC; REQUEST#: 492133; DATE: 4/30/2010.	-39.00
Duplicating A1, 2 Page(s)	0.20
Duplicating A1, 19 Page(s)	1.90
Travel Expense Ritschdorff, Todd A; TAR 04/21 & 04/28/10 Trips to Clifton Park, NY; 05/28/10	38.00
Overnight Courier FX to Phillips Lytle-Buffalo	28.12
Telephone (Long Distance Only) Telephone; 3054065047, 5 Mins. Ext: 7089	1.00
Filing Fee Cancellation of: PAYEE: Clerk, U.S. District Court; REQUEST#: 492137; DATE: 4/30/2010.	-39.00
Duplicating E2, 1 Page(s)	0.10
Overnight Courier WJB - UPS to Express Print re Case Administration	24.85
Telephone (Long Distance Only) Telephone; 3124085075, 2 Mins. Ext: 4404	0.40
Telephone (Long Distance Only) Telephone; 5049158820, 8 Mins. Ext: 7089	1.60
Telephone (Long Distance Only) Telephone; 2027994572, 2 Mins. Ext: 7089	0.40
Telephone (Long Distance Only) Telephone; 5858150475, 1 Mins. Ext: 7089	0.20
Duplicating E2, 96 Page(s)	9.60
Duplicating E1, 27 Page(s)	2.70

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Facsimile 15183834282, 35 Page(s)	36.80
Overnight Courier FedEx to Linda Donovan, Esq.	17.58
Overnight Courier FedEx to Robert Giacovas Esq	17.58
Overnight Courier FedEx to Howard Rittberg, Esq.	17.58
Telephone (Long Distance Only) Telephone; 5852920900, 1 Mins. Ext: 7089	0.20
Telephone (Long Distance Only) Telephone; 5613556736, 1 Mins. Ext: 7089	0.20
Telephone (Long Distance Only) Telephone; 8015385078, 1 Mins. Ext: 7089	0.20
Outside Printing Pacer 4/1-4/30/2010	2.40
Duplicating E2, 29 Page(s)	2.90
Duplicating E1, 102 Page(s)	10.20
Overnight Courier FedEx to Erick King	17.58
Telephone (Long Distance Only) Telephone; 9548857023, 1 Mins. Ext: 4404	0.20
Telephone (Long Distance Only) Telephone; 9548856009, 2 Mins. Ext: 4404	0.20
Telephone (Long Distance Only) Telephone; 9548857023, 1 Mins. Ext: 7089	0.20
Telephone (Long Distance Only) Telephone; 9548856009, 2 Mins. Ext: 7089	0.40
Duplicating E2, 4 Page(s)	0.40
Overnight Courier FX to Lara Shalov Mehraban	63.25
Overnight Courier FX to Lara Shalov Mehraban	63.25
Duplicating E2, 33 Page(s)	3.30
Searches VENDOR: CT Corporation; INVOICE#: 6023417-RI; DATE: 5/28/2010 WJB Receiver/Case Admin	37.23
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SEARCHES; Quantity: 4.00:	581.51
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SINGLE DOCUMENT RETRIEVAL; Quantity: 17.00:	219.11
Computerized Research Service: MATTHEW BENDER SERVICE; Charge Type: SINGLE DOCUMENT RETRIEVAL; Quantity: 3.00:	154.65
Computerized Research Service: SHEPARD'S SERVICE; Charge Type: LEGAL CITATION SERVICES; Quantity: 2.00:	14.96
Duplicating E2, 6 Page(s)	0.60

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Duplicating E2, 1 Page(s)	0.10
Overnight Courier Package sent to David Stoetling/Kevin McGrath/Lara Mehraban	1.76
Duplicating E2, 4 Page(s)	0.40
Telephone (Long Distance Only) Telephone; 3055235100, 4 Mins. Ext: 5431	0.80
Telephone (Long Distance Only) Telephone; 3055235580, 2 Mins. Ext: 5431	0.40
Overnight Courier WJB - UPS to Mr Michael Conley re Case Administration	25.91
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SEARCHES; Quantity: 13.00:	1,886.41
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SINGLE DOCUMENT RETRIEVAL; Quantity: 11.00:	141.50
Duplicating E1, 16 Page(s)	1.60
Duplicating E1, 1 Page(s)	0.10
Duplicating E1, 16 Page(s)	1.60
Duplicating E1, 2 Page(s)	0.20
Duplicating E2, 6 Page(s)	0.60
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SEARCHES; Quantity: 5.00:	725.54
Overnight Courier WJB - UPS to Mr Brian Shea re Case Administration	27.72
Telephone (Long Distance Only) Telephone; 2188621000, 25 Mins. Ext: 6414	5.00
Overnight Courier WJB - Fed Ex to Wanda Shaw re Case Administration	44.44
Overnight Courier WJB - Fed Ex to Mark L Guidry re Case Administration	44.44
Duplicating A1, 5 Page(s)	0.50
UCC Filing Fees UCC Filing Fee	350.00
Duplicating E2, 9 Page(s)	0.90
Overnight Courier WJB - UPS to Aaron M Wray, CFO re McGinn Smith Case Administration	25.91
Outside Printing Pacer 05/01-05/31/2010	31.52
Telephone (Long Distance Only) Telephone; 8474442398, 3 Mins. Ext: 4404	0.60
Duplicating E2, 3 Page(s)	0.30
Overnight Courier FedEx to Mark Guidry	26.21

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Overnight Courier Ritschdorff, Todd A; TAR 06/14/10 Shipped 4 boxes with UPS; 07/29/10	80.20
Process Service PAYEE: Alexander, Poole & Company, Inc.; REQUEST#: 498117; DATE: 7/13/2010. - Service of Summons & Complaint / Brown / Livingston / CWF/KLH2	65.00
Duplicating A1, 1 Page(s)	0.10
Overnight Courier WJB - UPS to Mr. Eli Canaston. Re: Case Administration	25.43
Overnight Courier WJB - UPS to Mark L. Guidry, Re: Case Administration	41.09
Overnight Courier WJB - UPS to Mr. Brian Shea, Re: Case Administration	29.59
Duplicating A1, 3 Page(s)	0.30
Outside Printing Pacer 6/1/10 - 6/30/10	70.56
Outside Printing Pacer 6/1/10 - 6/30/10	3.28
Outside Printing Pacer 6/1/10 - 6/30/10	3.76
Duplicating A1, 1 Page(s)	0.10
Duplicating P3, 15 Page(s)	1.50
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SEARCHES; Quantity: 3.00:	235.92
Computerized Research Service: LEXIS LEGAL SERVICES; Charge Type: SINGLE DOCUMENT RETRIEVAL; Quantity: 2.00:	25.87
Computerized Research Service: SHEPARD'S SERVICE; Charge Type: LEGAL CITATION SERVICES; Quantity: 1.00:	7.51
CURRENT EXPENSES	<hr/> 13,114.35
TOTAL AMOUNT OF THIS INVOICE	\$138,570.35

PAYMENT DUE UPON RECEIPT

Category F: Employee Benefits and Pensions



Attorneys at Law
 3400 HSBC Center
 Buffalo, NY 14203
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 3400 HSBC Center
 Buffalo, NY 14203

Client Number 33474
 Matter Number 00005
 W J Brown

Re: EMPLOYEE BENEFITS / PENSIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH JULY 31, 2010:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/21/10	JRG	Confer with WJB; Review unemployment regulations and NYS Labor Law, e-mail to WJB re: termination requirements and obtain and forward notices	1.0
05/03/10	JRG	Confer with S Ranni re: ERISA issues, confer with C Gracey re: assembly of documents and policies and e-mail to C Gracey and WJB re: ERISA issues and review termination letter to P Sicluna	1.5
05/03/10	SKR2	Conference with J Grasso regarding COBRA matters; Drafted e-mail to J Grasso regarding COBRA related documents	0.2
05/04/10	JRG	Review employee benefits plan documents and draft employee handbook from C Gracey	0.7
05/04/10	JRG	Prepare letter to P Sicluna and unemployment notice	0.4
05/04/10	JRG	Review entity list, e-mail to S Ranni re: COBRA issues and e-mail to C Gracey re: employee information	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/04/10	JRG	Prepare PTO policy re: payment upon termination, confer with D Shea re: same and review employee list from D Shea and e-mails to WJB re: same	1.5
05/04/10	SKR2	Reviewed e-mail from J Grasso/client regarding benefit materials/COBRA; Drafted e-mail to J Grasso regarding P Sicluna's benefits	0.4
05/05/10	JRG	Communicate with B Shea and C Gracey and confer with S Ranni re: employee benefits issues	0.8
05/05/10	SKR2	Office conference with J Grasso regarding COBRA matters; Reviewed e-mails from C Gracey regarding COBRA employee benefits; Drafted e-mail to W Brown and J Grasso regarding COBRA; Legal research regarding COBRA subsidy	1.3
05/06/10	JRG	E-mails to and from C Gracey re: COBRA issues	0.4
05/06/10	JRG	Prepare resignation confirmation for A Lyubarskaya	0.2
05/06/10	RHB	Conference with Sarah Ranni regarding New York State COBRA	0.2
05/06/10	SKR2	Reviewed e-mails from W Brown/J Grasso regarding COBRA and 401(k) obligations; Drafted e-mail to C Gracey regarding COBRA notices; Reviewed COBRA notices for compliance with law	0.8
05/10/10	SKR2	Reviewed e-mail from C Gracey regarding COBRA letters; Drafted e-mail to C Gracey/W Brown regarding COBRA letters	0.2
05/11/10	JRG	Conference with WJB and S Ranni re: employee issues	0.5
05/11/10	SKR2	Office conference with W Brown and J Grasso regarding COBRA/benefit matters; Drafted e-mail to C Gracey regarding COBRA/401(k) plan	0.7
05/12/10	JRG	Review e-mail from P Sicluna re: PTO payment and e-mail to WJB re: same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/12/10	SKR2	Reviewed e-mail from C Gracey regarding COBRA notices; Drafted e-mail to C Gracey; Reviewed e-mail from W Brown; Drafted e-mail to W Brown	0.3
05/19/10	GFK	Telephone conference with WJB; Review materials from WJB; Telephone conference with B Shea; Review additional materials from B Shea	0.8
05/19/10	SKR2	Teleconference with W Brown regarding P Sicluna; Teleconference with P Sicluna; Drafted e-mail to C Gracey regarding termination of coverage	0.4
05/20/10	GFK	Review material from B Shea	0.4
05/20/10	SKR2	Reviewed e-mails for C Gracey and W Brown regarding P Sicluna; Drafted memo to W Brown regarding P Sicluna's COBRA benefits	0.4
05/21/10	GFK	Telephone conference with B Shea; Review documents; Memo to WJB	1.6
05/26/10	GFK	Telephone call from and email to B Shea	0.2
05/27/10	GFK	Review outstanding issues; Office conference and memo to MEB; Email to Shea	0.4
05/27/10	MEB	401k matching contribution work	0.2
06/01/10	MEB	401k Plan: Safe harbor match work; Review plan documents; Research; Emails to B Shea	1.3
06/01/10	SKR2	Reviewed e-mail from W Brown regarding 401(k) for P Sicluna; Drafted e-mail to W Brown; Drafted e-mail to C Gracey	0.2
06/02/10	MEB	401k erroneous contribution and recovery work; Advice to GFK; Research	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/02/10	SKR2	Office conference with M Brand regarding correction of 401(k) plan overpayments; Legal research regarding overpayments; Drafted e-mail to M Brand	1.1
06/03/10	GFK	Office conference with MEB re ERISA issues; Review documents re same; Telephone call to WJB	0.7
06/03/10	MEB	401k: Research; Review plan documentation; Several emails re "correction" of 2008 and determination of 2009 contributions	2.0
06/04/10	GFK	Emails re ERISA issues	0.3
06/04/10	MEB	401k plan work; Memo to WJB	1.5
06/29/10	SKR2	Drafted e-mail to W Brown regarding COBRA/termination of health plan; Legal research regarding continuation of COBRA rights	0.8
06/30/10	SKR2	Teleconference with B Brown and B Shea regarding COBRA coverage/controlled group status; Legal research regarding controlled group status of McGinn Smith companies; Drafted e-mail to B Brown/B Shea; Drafted memo to B Brown	1.8
07/01/10	JRG	Work with WJB re: termination questions re Mr McGinn and Mr Smith	0.4
07/01/10	RHB	Conference with Sarah Ranni regarding provision of COBRA to terminating employees	0.5
07/01/10	SKR2	Reviewed e-mails from B Shea/W Brown regarding COBRA; Drafted e-mails to W Brown; Office conference with R Barr regarding insurer's refusal to provide COBRA coverage	0.3
07/02/10	JRG	Communicate with B Shea re: unemployment issues	0.2
07/02/10	RHB	Research regarding COBRA options	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/02/10	SKR2	Reviewed e-mail/CDPHP contract from B Shea regarding COBRA obligation	0.5
07/06/10	SKR2	Drafted e-mail to B Shea/W Brown regarding COBRA obligation; Reviewed e-mails from B Shea/W Brown	0.2
07/14/10	GFK	Telephone conference with WJB re potential asset sales	0.4
07/16/10	GFK	Review notice re 5500 filing for Century Same Day Surgery; Telephone conference with WJB re same	0.3
07/22/10	GFK	Telephone conference with WJB re Thomas Livingston stock repurchase claim; Work on retention bonus program and email to WJB	0.9
07/26/10	GFK	Office conference with WJB; Revise retention bonus program	0.5
07/27/10	GFK	Revise, finalize retention bonus program; Email WJB; Telephone conference with WJB	0.6
07/28/10	GFK	Conference with WJB re private annuity analysis	0.2
07/29/10	GFK	Review private annuity contract; Telephone conference with WJB	0.4

CURRENT FEES \$9,774.00

TOTAL AMOUNT OF THIS INVOICE \$9,774.00

PAYMENT DUE UPON RECEIPT

Category R: W. J. Brown, as Receiver Function



Attorneys at Law
3400 HSBC Center
Buffalo, NY 14203
Telecopier # (716) 852-6100
(716) 847-8400
FED I.D. #16-0505790

William J. Brown, Esq.
Phillips Lytle LLP
3400 HSBC Center
Buffalo, NY 14203

Client Number 33474
Matter Number 00017
W J Brown

Re: W.J. BROWN, AS RECEIVER FUNCTION

FOR PROFESSIONAL SERVICES RENDERED THROUGH JULY 31, 2010:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/20/10	WJB	Arrive on site with legal team following signing of Receiver Order; Multiple interviews with staff including B Shea, J Carr, accounts receivable manager for alarm company, various telephone operators for Alarm Trading business, Pine Street Capital representatives, conferring with locksmith and arranging for security on site and securing premises and identification of documents and any critical items; Communicate with FBI and IRS agents regarding status of search; Attend to initial seizure of premises and the securing of same	5.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/21/10	WJB	Arrive at premises with AJB3, arrange for security company to install alarm on rear doors, study access to site and ability to remove material; Multiple conferences throughout day with M McGinn, M Lasch, T Welles, D Cahill regarding Pine Street Capital Management and Pine Street Capital Partners, business affairs, involvement with McGinn Smith, cross-references, various portfolio companies, refinancings and status evaluations, American Express cards and cancellation of same; Meeting with M Byrd and D DeGener of building management and maintenance; Interview C Welsh; Multiple conferences with B Shea regarding facts, financial statements, Carnival Cruise Line, Alarm Traders and funding of payroll and other expenses; D Smith life insurance; TDM Cable Trust and other background information; Meeting with J Featherstonhaugh and J Dunn regarding legal representation for Messrs. Smith and McGinn; Further conferences with J Carr, B Shea regarding imaging center and H Ellis settlement offer; Conference with B Shea regarding insurance policies and Finra; Conferences regarding missing tax checks; Explanation of Benchmark and Triple Play deals in Florida and other related matters and issues including handling of mail and general administration	11.9
04/22/10	WJB	Telephone call from Benchmark employees concerning payroll and funding needs and arranging for follow-up call	0.3
04/22/10	WJB	Review payroll request from B Shea	0.2
04/22/10	WJB	Benchmark: Two extended telephone conferences with B Bronston, M Guidry regarding facts concerning acquisition by McGinn Smith of Benchmark initial meetings, points of contact, consideration for same, nature of ongoing operations, identity of persons who operate business, request for cash flow projections and needed expenses including payroll and identification of employees	0.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/10	WJB	Participate in telephone conference call with SEC team regarding initial findings, steps taken to commence receivership, security of documents, initial impressions and facts obtained in initial days of receivership including as to Benchmark, Triple Play Deals, Alarm Traders, status of operations and funding needs, scope of receiver order, analysis and course of action	0.9
04/22/10	WJB	Telephone call from J Dunn, T McGinn regarding request for funding of cruise division and request for cash flow projections, identity of employees and needed expenses	0.3
04/22/10	WJB	Prepare e-mail to B Shea on payroll questions for Alarm Traders and funding of same	0.2
04/22/10	WJB	Telephone call to B Shea regarding payroll and dealing with frozen bank accounts	0.2
04/22/10	WJB	Review cash flow projection received from Benchmark and prepare e-mail B Bronston, M Guidry regarding need to correct format as being insufficient	0.2
04/22/10	WJB	Telephone call from M&T regarding accounts and payroll	0.1
04/23/10	WJB	Telephone call from Rhonda at Mercantile Bank to assess wire transfer charges and requesting written authority	0.2
04/23/10	WJB	Review e-mail from White Glove Cruises regarding request to discuss and prepare reply to E Castenon	0.1
04/23/10	WJB	Attend to arrangements regarding use of Phillips Lytle receptionist at McGinn Smith site for security and other purposes and examination of cost of same with DCG and GJK	0.1
04/23/10	WJB	Telephone call from J Carr, B Shea regarding website, payroll and communications with investors	0.3
04/23/10	WJB	Finalize payroll authorization e-mail to M&T for Alarm Traders	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/23/10	WJB	Telephone call from B Petruso at M&T regarding locating FirstLine Funding checking account	0.1
04/23/10	WJB	Review B Shea e-mail on proposed e-mail to Verifier regarding transfer of funds; Review list of accounts; Prepare e-mail to B Shea regarding source and historical uses	0.2
04/23/10	WJB	Telephone call from E Castenon at White Glove Cruises d/b/a Cruise Division regarding business model, cash flow, number of employees, functions, issues with cash flow and need to have it modified to be useful to Receiver	0.4
04/23/10	WJB	Telephone call from B Pinckney at Albany Business Review regarding interview concerning receivership	0.2
04/23/10	WJB	Prepare e-mail to M&T on ADP charges and okay to process	0.2
04/23/10	WJB	Telephone conference J Carr, B Shea regarding website, exhibits, checks, possibility of Irish Hotel interest by McGinn Smith	0.3
04/23/10	WJB	Telephone call from B Bronston regarding follow-up on cash flows and Benchmark needs, need for better information from Benchmark	0.2
04/24/10	WJB	Conference with DCG regarding staffing for receptionist duties at McGinn Smith with Phillips Lytle personnel on interim basis, allocation of resources	0.2
04/24/10	WJB	Assemble payroll and other information including preliminary cash flows for K Besaw and accountants	0.3
04/24/10	WJB	Prepare e-mail to K Besaw with Pine Street partners payoff and information	0.1
04/25/10	WJB	Travel from Buffalo to Albany office (4 hours) for preparation for meeting with Messrs. McGinn and Smith and counsel on Sunday evening	2.0
04/25/10	WJB	Review Alarm Traders website for relevant information	0.2

33474 Brown, William J. as Receiver of McGinn,
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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/25/10	WJB	Prepare for meeting with Messrs. McGinn and Smith including review of financial information received from B Shea, review various websites and lists of assets, Carnival Cruise Line deposit agreement and contract	1.6
04/25/10	WJB	Continue review of materials in preparation for meeting with Messrs. McGinn and Smith regarding various business operations and related matters	1.4
04/25/10	WJB	Attend meeting with Messrs. McGinn and Smith, counsel and ALH1 to address important business issues and review of assets and liabilities of various entities now subject to receivership	1.3
04/26/10	WJB	Open premises and review premises with ALH1 following interview of Messrs. McGinn and Smith on 4/25	0.3
04/26/10	WJB	Prepare e-mail SEC on brief meeting report regarding meeting with Messrs. McGinn and Smith	0.3
04/26/10	WJB	Prepare reply to White Glove regarding cash flow report	0.1
04/26/10	WJB	Telephone call with P Sicluna regarding request for information regarding her function and whereabouts and request for meeting on premises	0.2
04/26/10	WJB	Meet with K Besaw and colleagues from Champiou Travis at McGinn Smith, identify function and needs and coordination of meetings and interviews with B Shea and B Cooper and participate in same on and off throughout day including discussions with Champiou Travis personnel regarding concepts and ideas and discussion of cash flow forecast for Cruise Division as well as Benchmark and comments on same	6.7
04/26/10	WJB	Conference B Shea regarding H Ellis transaction; Conference B Shea, J Carr regarding same, recommendations and course of action	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/26/10	WJB	Conference with P Sicluna regarding roles, jobs, background, existence of documents, nature of communications, alternatives and likely employee termination given no further function required subject to possible hiring on hourly basis	0.3
04/26/10	WJB	Travel from Albany to Buffalo (Travel time 3.8 hours)	1.7
04/26/10	WJB	Travel from Albany to Buffalo (4.0 hours total)	2.0
04/27/10	WJB	Telephone call from N Manasse as McGinn Smith investor, status and course of action	0.2
04/27/10	WJB	Prepare e-mail to M&T authorizing ADP charges as receiver for Alarm Traders payable and revise and send same	0.2
04/27/10	WJB	Review TAR e-mail from J Carr on errors and omissions insurance policy and delivery arrangements to D Smith's counsel; Prepare reply regarding copies only	0.1
04/27/10	WJB	Prepare e-mail D Keenholts regarding solicitation letter to FirstLine customers and cost of same and request for breakdown	0.1
04/27/10	WJB	Prepare e-mail Benchmark employees regarding payroll and expense items and clarification on same	0.3
04/27/10	WJB	Review and revise Pine Street payoff letter at request of Pine Street for Accumed transaction	0.5
04/27/10	WJB	Telephone call to B Shea regarding arrangements for payroll for McGinn Smith identifying pro rata amounts	0.1
04/28/10	WJB	Review and reply to E Castanon regarding checks, timing and arrangements for same including telephone call to AJB3 regarding working out details for White Glove checks with Mercantile Bank	0.3
04/28/10	WJB	Conference ALH1 regarding status of Carnival contract and communications regarding withdrawal of default letter	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/28/10	WJB	Review L Mehraban e-mail on FirstLine deposit	0.1
04/28/10	WJB	Telephone call with T Pastore regarding Criticom deposit check and confirming correct account to deposit	0.1
04/28/10	WJB	Check frozen accounts for account 0046 regarding Criticom deposit and prepare e-mail to T Pastore regarding same	0.2
04/28/10	WJB	Telephone call from B Petruso confirming opening of new accounts and process for same	0.2
04/28/10	WJB	Revise draft letter to Southern Bank on transfers for payroll	0.2
04/28/10	WJB	Telephone call from J Stenzel	0.1
04/28/10	WJB	Dictate updates to receiver website	0.2
04/28/10	WJB	Review and e-mail M Guidry regarding request to show gross payroll and cash flows, identification of employees and actual benefits to be paid; Review draft transfer	0.4
04/29/10	WJB	Telephone conference with D Levine and other Carnival representatives, ALH1 regarding negotiations and discussion of facts concerning Carnival contract with YOLO Cruise and possibility of return of deposit and negotiations for same	0.5
04/29/10	WJB	Travel to M&T State Street branch to open new Receiver account	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/29/10	WJB	Arrive at Albany premises and consult with staff concerning status of phone bank calls; Conference R Feldman regarding COBRA reimbursement check and Dinosaur Securities and background; Conference with B Shea regarding operating issues; Telephone call from P Cleveland regarding ordering checks at M&T, establishment of new account and referral to J Tumonis as M&T branch manager; Prepare e-mails M&T on new account and consider Fed ID number issue for applying to account; Prepare e-mail K Besaw regarding EIN; Discuss telephone statistics with D Keenholts; Review notices of deposition received from SEC and arrange conference rooms; Discuss requested McGinn files with B Shea for production; Conference with AJB3 regarding arranging for payroll for Benchmark and Cruise Division; Conferences with Ikon representative and SEC regarding delivery of P Sicluna boxes for copying; Conference with B Shea regarding M&T payroll and arrangements for same	4.3
04/29/10	WJB	Conference with J Carr regarding T Myles Walsh and selected ownership issues; Conference J Carr regarding health care issues; Conference with AJB3 regarding Vermont property and location and timing of filing of additional copies of Order and Complaint; Attend to final business issues and questions with J Carr, B Shea before leaving premises	1.5
04/29/10	WJB	Travel from Albany to Buffalo (Travel Time 5.2 hours)	2.5
04/30/10	WJB	Telephone call from T Wiel regarding web service provider to McGinn Smith	0.1
04/30/10	WJB	Participate in second conference call with Carnival representatives regarding further negotiations and settlement offer, explanation and discussion of same	0.3
04/30/10	WJB	Telephone call from A Cahn as investor in McGinn Smith and expectations concerning need to obtain information before providing any information to investors	0.1
04/30/10	WJB	E-mail M Lasch regarding Pine Street payroll and timing of receiver's approval of same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/03/10	WJB	Mercantile Bank: Review accounting from Mercantile Bank received on Saturday, May 1, regarding frozen accounts	0.1
05/03/10	WJB	Prepare e-mail B Shea regarding Mercantile Bank frozen account information and incorporating same into reports and accounting	0.1
05/03/10	WJB	Prepare e-mail B Shea, J Carr regarding how to deal with external communications and contacts and referring same to Receiver	0.1
05/03/10	WJB	Conference with JRG regarding employee benefit questions and termination process	0.1
05/03/10	WJB	Telephone call from B Hoover regarding Benchmark retention	0.1
05/03/10	WJB	Prepare reply e-mail to J Carr regarding information to McGinn and Smith and sharing with employees	0.1
05/03/10	WJB	Review Pine Street proposed payroll list identifying employees, bank account numbers and amounts	0.2
05/03/10	WJB	Prepare e-mail M Lasch, T Welles regarding process to approve payroll for Pine Street	0.1
05/03/10	WJB	Review payroll as proposed received from W Shaw for Cruise Division and attempt to identify validity; Approve same	0.2
05/03/10	WJB	Prepare e-mail W Shaw regarding validity and request for new payroll list	0.2
05/03/10	WJB	Conference with AJB3 regarding processing of Cruise Division payroll based upon information from W Shaw	0.1
05/03/10	WJB	Prepare e-mail T McGinn on zip drives and providing documents in exchange for payment to outside vendor	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/03/10	WJB	Review calculations for Carnival Cruise YOLO deposit, and calculation of potential monetary risk upon loss of deposit, obligation to pay further deposit and further penalties if customers not booked on cruise and consider alternatives	0.3
05/03/10	WJB	Further conference call with Carnival Cruise officials regarding settlement possibilities and discussions of outline of amounts and terms	0.2
05/03/10	WJB	Review Pine Street payroll and M&T authorization for same	0.2
05/03/10	WJB	Conference DCG regarding staffing for receptionist position at McGinn Smith at 99 Pine Street and arranging for Phillips Lytle personnel for same	0.2
05/03/10	WJB	Cruise Division: Review W Shaw and AJB3 e-mails on ADP and bank charges and approve same	0.1
05/03/10	WJB	Revise e-mail to Mercantile Bank regarding bank accounts, freezing and charges	0.1
05/03/10	WJB	E-mail to M&T for Pine Street payroll authorization and establishing of new account	0.1
05/03/10	WJB	Prepare e-mail W Shaw at Cruise Division and AJB3 regarding payment of late benefits	0.1
05/03/10	WJB	Prepare e-mail M&T regarding receipts and related expenses received from B Shea and payment of same	0.2
05/04/10	WJB	Telephone call from Benchmark attorney and questions to him on employees, payment of gross payroll and taxes	0.1
05/04/10	WJB	Telephone call from R Holderman regarding CMS and receivership and materials delivered to Buffalo office	0.1
05/04/10	WJB	Review e-mail from B Shea regarding thumb drive ready for T McGinn; Prepare e-mail T McGinn regarding same and coordination of pickup	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/04/10	WJB	Review draft benefits letter to P Sicluna and arrange for printing and signing of same	0.1
05/04/10	WJB	Telephone call from J Carr, B Shea regarding request to deliver L Smith NFS statements and arrange for copies	0.1
05/04/10	WJB	Review 5/3 letter from R Holderman regarding CMS Financial Services	0.1
05/04/10	WJB	Telephone call to JRG regarding terminating vacation pay upon termination and how to deal with P Sicluna	0.1
05/04/10	WJB	Telephone call from Dr. Patel as investor concerning state of his investment and explanation of receivership	0.2
05/04/10	WJB	Review Benchmark vendor list and prepare e-mail approving same except for insider payments	0.3
05/05/10	WJB	Prepare for and participate in conference call with M Guidry and B Bronston regarding background facts to understand Benchmark, financial performance, operations and general expenses and history	1.4
05/05/10	WJB	Telephone call to K Besaw regarding how to handle bank accounts including Benchmark	0.1
05/05/10	WJB	Prepare e-mail to M Guidry confirming points from 9 a.m. call	0.3
05/05/10	WJB	Prepare e-mail M Guidry regarding whereabouts of check list as requested	0.1
05/05/10	WJB	Revise and finalize e-mail to M Guidry confirming points raised during 9 a.m. call	0.2
05/05/10	WJB	Review e-mail from M Guidry with wrong information and prepare reply	0.1
05/05/10	WJB	Review list of checks received from M Guidry at Benchmark for review and approval	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/05/10	WJB	Attempt to reconcile two lists received from Benchmark; Telephone call to Bronston regarding need to provide assistance to M Guidry to correct information; Two telephone calls to M Guidry regarding reconciling incorrect information and attempts to confirm same; Review final list and e-mail bank regarding request to fund vendors and payroll checks from blocked account	1.1
05/05/10	WJB	Review two e-mails concerning medical office building in Latham, NY possibly related to Receivership from J Carr	0.2
05/05/10	WJB	Travel from NYC office to Albany including from office to Penn Station (4.2 hours)	2.1
05/06/10	WJB	Prepare e-mail D Keenholts regarding producing relevant benchmarking statistics and next steps concerning Alarm Traders	0.2
05/06/10	WJB	Arrive at 99 Pine Street and visit with employees on business activity and roles	0.3
05/06/10	WJB	Conference with B Shea regarding existing financial controls	0.2
05/06/10	WJB	Extended conference with B Shea concerning pending business and financial matters including 401K terminations, Seton building and condition, status, tenants and payments regarding same, preliminary desire to obtain building manager or possibly list for sale, medical office building in Latham, status and condition of same, opening of new receiver bank accounts, location and whereabouts of same and procedures for same, decisions on certain employee issues including medical insurance coverage, accrued vacation pay and the like	1.5
05/06/10	WJB	Travel to M&T branch for signing of M&T documents for opening new Receiver accounts with B Shea	0.6
05/06/10	WJB	Telephone call from Pine Street counsel regarding request for answer to proposed letter to SEC	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/06/10	WJB	Examine business premises concerning documents, offices, trash in hallways and steps necessary to implement better procedures in operations in physical presence of office including conversations with receptionist concerning number of calls received and process to handle same	1.2
05/06/10	WJB	Travel from 99 Pine Street to Buffalo by train (travel time 6.7 hours including delay)	3.3
05/06/10	WJB	Prepare list for call with SEC on May 7 concerning agenda and open issues	0.3
05/07/10	WJB	Review Alarm Traders payroll prepared by B Shea and revise e-mail regarding approval	0.2
05/07/10	WJB	Revise and send e-mail to M&T regarding approval of Alarm Traders payroll	0.1
05/07/10	WJB	Send e-mail to B Petruso at M&T approving account for monthly charges	0.1
05/07/10	WJB	Review Times Union six articles on McGinn Smith	0.1
05/07/10	WJB	Review ADP charge for taxes and approve same	0.1
05/07/10	WJB	Prepare for call with SEC including preparation of agenda	0.2
05/07/10	WJB	Telephone call to ALH1 regarding YOLO accepting new deposits and facts for upcoming call with SEC regarding deposit and potential settlement	0.1
05/07/10	WJB	Review e-mails from B Shea to cover M&T transfers; Prepare e-mail M&T on transfer to cover checks to be presented; Review M&T e-mails on bank charges	0.3
05/07/10	WJB	Preliminary conference with SEC regarding results of first several days of receivership including history of actions taken, preliminary conclusions, cash flow, operating businesses, communications with parties, Carnival Cruise Line developments, pending litigations and arbitrations, related issues and next steps	1.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/07/10	WJB	Review proposed YOLO agreement with Carnival Cruise Lines, prepare comments and e-mail to ALH1 for distribution	0.6
05/07/10	WJB	Telephone message from A Guzzetti at Dinosaur regarding request for conversation	0.1
05/07/10	WJB	Telephone call to B Shea regarding translation company charge	0.1
05/07/10	WJB	Telephone call to B Pickney at Albany Business Journal regarding status of Alarm Traders and related businesses	0.1
05/10/10	WJB	Review and finalize W-9 for Carnival final agreement	0.1
05/10/10	WJB	Telephone call from President of Carrow and request to him for copy of lease	0.1
05/10/10	WJB	Telephone call from A Guzzetti of Dinosaur regarding L Smith margin agreement, National Financial Services and IRA's requiring transfer and need to value furniture	0.3
05/10/10	WJB	Conference with DCG regarding Albany staffing for receptionist position	0.2
05/10/10	WJB	Review and sign final version of Carnival settlement agreement	0.1
05/10/10	WJB	Telephone call from B Dreyer regarding life insurance policy payable to company but changed to L Smith and possible purchase	0.2
05/11/10	WJB	Prepare e-mail ALH1 on next steps with Marlene concerning YOLO settlement with Carnival	0.1
05/11/10	WJB	Prepare e-mail B Shea regarding bringing down YOLO website	0.1
05/11/10	WJB	Review e-mail from B Shea regarding Marlene regarding website; E-mail ALH1 to add to list of items to accomplish	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/11/10	WJB	Review vendor payments provided by B Shea and 5/10 urgent e-mail	0.2
05/11/10	WJB	Prepare e-mail approving urgent expenses sent by B Shea	0.1
05/11/10	WJB	Review e-mail from B Shea for request to authorize transfers to meet urgent expenses; Review and compare same and prepare e-mail M&T Bank authorizing various interbank transfers	0.3
05/11/10	WJB	Prepare e-mail M&T authorizing transfers to Seton Hall account for payables	0.1
05/11/10	WJB	Telephone call to D Duggen at Carnival regarding website links	0.1
05/11/10	WJB	Prepare e-mail ALH1 regarding follow-up on YOLO website links and next steps	0.1
05/12/10	WJB	Attend to opening new bank accounts at HSBC for Carnival-YOLO settlement proceeds	0.1
05/12/10	WJB	Prepare reply e-mail to B Shea on approval of payables from 5/12 in form to provide to M&T	0.1
05/12/10	WJB	Review G Smith 4/22 resignation letter	0.1
05/12/10	WJB	Prepare letter and look for background materials necessary to confirm acceptance of resignation of G Smith	0.2
05/12/10	WJB	Review M McGinn resignation letter and prepare confirmation reply	0.2
05/12/10	WJB	Prepare e-mail Nisch at M&T regarding checks to cut for payables	0.3
05/12/10	WJB	Telephone call from branch manager at HSBC regarding bank account details for YOLO deposit	0.2
05/12/10	WJB	Review Seton facts and circumstances	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/12/10	WJB	Review e-mail from B Shea on Marlene vehicles and prepare reply regarding payments, amount and insurance	0.1
05/12/10	WJB	Telephone call from S Bard at NYS Department of Health regarding health records possibly maintained by Mr. McGinn; Telephone message to S Bard regarding same	0.1
05/12/10	WJB	Attend to letter for payment of new checks for new Receiver accounts and forward same	0.1
05/12/10	WJB	Review e-mail from B Shea regarding Marlene's vehicle loan and prepare reply	0.1
05/12/10	WJB	Review B Shea 5/12 8:27 a.m. e-mail on 5/15 McGinn Smith payroll	0.1
05/12/10	WJB	Prepare e-mail approving gross payroll and declining payment of broker commissions	0.2
05/12/10	WJB	Review three e-mails from M Guidry regarding interested purchasers, letters of intent and non-disclosure agreements being requested of Receiver	0.2
05/12/10	WJB	Prepare three reply e-mails on no interest at present time but possible follow-up at later time and communications should be directed to Receiver regarding Benchmark inquiries	0.2
05/12/10	WJB	Review 5/11 M Guidry e-mail on payroll and vendor payments, approve same and prepare reply e-mail	0.3
05/13/10	WJB	Review e-mail from M Guidry and upcoming vendor and payroll payments	0.1
05/13/10	WJB	Review Benchmark payroll and vendor payments proposed from M Guidry, revise same and send back to M Guidry for reconciliation; Prepare two e-mails to Whitney Bank to approve payment and review same	0.5
05/13/10	WJB	Telephone call from E Burrell (610.436.4484) as McGinn Smith investor	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/13/10	WJB	Review White Glove expenses and payroll	0.2
05/13/10	WJB	Prepare two e-mails to Mercantile Bank regarding approval of vendor payments and payroll and reconcile balances to pay same	0.3
05/13/10	WJB	Telephone conference with E Castanon regarding payroll and vendor payments	0.1
05/13/10	WJB	Telephone call to Miami bank for White Glove regarding issues with payroll and vendor payments as burden on bank	0.2
05/13/10	WJB	Follow-up telephone conversations with bank regarding Miami payroll issues and suggestions on how to handle and need to process same through bank	0.4
05/13/10	WJB	Prepare e-mail to Nisch at M&T regarding payroll wire	0.1
05/13/10	WJB	Telephone call from S Bard at NYS Department of Health regarding M McGinn as custodian of surgery center records and closure process for Century Same Day Surgery	0.2
05/13/10	WJB	Review fax received from Nisch at M&T to authorize wire transfers, review same and make changes to correct amounts and return materials to Nisch at M&T	0.3
05/16/10	WJB	Review e-mail from TAR regarding receptionist issues on 5/17 and coverage for same; Prepare reply regarding suggestion concerning Carolyn Gracey and arrangements regarding same	0.1
05/17/10	WJB	Review e-mail from TAR regarding C Gracey not in office and therefore not available for receptionist assistance, alternative arrangements, consider same	0.1
05/17/10	WJB	Telephone conference with SEC regarding update on developments, progress as to functions, current issues and work projects	0.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/17/10	WJB	Telephone call from C Manna (518.436.1720) regarding protection one question	0.1
05/17/10	WJB	Telephone call Albany Sonitrol personnel regarding installation and bidding process for door access system	0.1
05/17/10	WJB	Telephone call to TAR regarding arrangements for door access system and discussion of procedures and protocol and which doors to use and secure as emergency exits only	0.1
05/18/10	WJB	Telephone conference with TAR regarding how to handle receptionist duties today, allocation to C Gracey and instructions on how to proceed to her, storage units in Clifton Park, reallocation of units and moving of stored goods, and use of conference room by J Carr for outside closing	0.1
05/18/10	WJB	Prepare list of to-do issues as next steps in receivership including avoidable transfers, cash flow, further analysis of employee responsibilities and duties, EIN numbers	0.1
05/18/10	WJB	Travel from Buffalo to 99 Pine Street (Travel time 4.2 hours)	2.1
05/18/10	WJB	Conference with B Shea regarding broker accounts receivable and strategy regarding collecting same	0.2
05/18/10	WJB	Various conferences with employees and observe business operations at Alarm Traders	0.4
05/18/10	WJB	Conference with J Carr, D Keenholts regarding background on Firstline transaction and explanation of same, understanding of business, operating needs, welcoming letter and costs of same, benchmarking	0.6
05/18/10	WJB	Attend meeting at KeyBank to request KeyBank to reimburse Alarm Traders for services provided on portfolio with B Shea and J Carr and M Kaufman and L Jones	0.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/18/10	WJB	Conference with B Shea regarding employee benefits including medical benefits to former part-time now full-time employee, Monterey Bank, YOLO, M&T accounts, Full Circle and payment by check including issues regarding Fortress Corp., Century Same Day Surgery, Mr. Chiappone, 401K safe harbor and Seton Hall issues	1.3
05/19/10	WJB	Open premises door at 7:15 a.m. and review status of business premises at Alarm Traders	0.5
05/19/10	WJB	Conference with H Ellis regarding analysis of debt owed to Receivership entity and H Ellis attempt to offset alleged monies due to third party individual (D Smith), attempt to reach resolution and various structuring proposals and failure to accomplish same in settlement conference	0.9
05/19/10	WJB	Telephone call to Nisch at M&T Bank regarding contacting B Petruso regarding certain transfers	0.1
05/19/10	WJB	Conference with J Carr regarding pending tasks and legal issues	0.1
05/19/10	WJB	Conference with A O'Reilly of Sonitrol regarding installation of card access system at 99 Pine Street, cost and discussions regarding same, inspection of premises and facilities	0.8
05/20/10	WJB	Open office premises at 7:30 a.m. and meet building maintenance person regarding access door and need for repair concerning closing mechanism	0.3
05/20/10	WJB	Conference C Gracey regarding COBRA benefits for P Sicluna	0.1
05/20/10	WJB	Prepare e-mail D Keenholts regarding inventory and equipment removal at 99 Pine Street process agreed upon on 5/19	0.1
05/20/10	WJB	Prepare e-mail MEY regarding Sonitrol Security contract, price and terms and request for input	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/20/10	WJB	Telephone call to MEY regarding advice on Sonitrol system and security needs, alternatives and cost and mechanism of system	0.2
05/20/10	WJB	Review M&T e-mail from P Cleveland on e-mail changes to accounts	0.1
05/20/10	WJB	Telephone call to Nisch regarding wire transfer request and where to send forms to accomplish same	0.1
05/20/10	WJB	Discuss investor mailing cost with C Gracey	0.1
05/20/10	WJB	Conference 99 Pine Street Door Service regarding repair to door closer	0.2
05/20/10	WJB	Attend to development of new receiver accounts and coordination with M&T regarding same	0.3
05/20/10	WJB	Review contracts received from Sonitrol, review and revise same and sign and return to Sonitrol for door access system	0.4
05/20/10	WJB	Return revised Sonitrol contract to Sonitrol	0.1
05/20/10	WJB	Review AZ state sales tax checks and bills returned from IRS and U.S. Attorney at Receiver's request for D Keenholts for payment	0.1
05/20/10	WJB	Conference C Gracey regarding paying dental plan to avoid termination	0.1
05/20/10	WJB	Travel from 99 Pine Street to Buffalo (Travel time 4 hours)	2.0
05/21/10	WJB	Review proposed Alarm Traders payroll	0.1
05/21/10	WJB	Telephone call to B Shea regarding payroll authorization for Alarm Traders	0.1
05/21/10	WJB	Authorize payment of Benchmark accounts payable and customer refunds	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/21/10	WJB	Telephone call to B Shea regarding payroll question concerning D Gibson	0.1
05/21/10	WJB	Prepare e-mail B Shea authorizing Alarm Traders payroll including D Gibson	0.1
05/21/10	WJB	Telephone call to B Shea regarding requisition check	0.1
05/21/10	WJB	Conference with B Shea on 120-day information issue	0.1
05/21/10	WJB	Review Bear Stearns trust information	0.1
05/22/10	WJB	Review District Court case docket for recent pleadings and uploading to McGinn Smith Receiver website	0.1
05/22/10	WJB	Prepare reports regarding May 18 to May 20 travel to Albany and 99 Pine Street	0.2
05/24/10	WJB	Review e-mail and prepare response regarding Alarm Co. payroll and vendor numbers and timing	0.1
05/25/10	WJB	Travel from Buffalo to 99 Pine Street (Travel time 3.7 hours)	1.9
05/25/10	WJB	Unbilled travel time to Albany	1.9
05/25/10	WJB	Telephone conference with Nisch and B Shea regarding checking account balance and checks being presented, resolution of questions regarding same and source of funding	0.3
05/25/10	WJB	Prepare e-mail B Petruso regarding two balance money transfers and review B Shea request	0.2
05/25/10	WJB	Conference with J Carr regarding assembling books and records for all entities regarding certificates of incorporation and by-laws and membership agreements	0.1
05/25/10	WJB	Review Sonitrol list and e-mail B Shea for access hours on personnel	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/25/10	WJB	Go over employee access list for Sonitrol cards relating to new door access system	0.1
05/25/10	WJB	Review check requests, deposits and vendor bills for approval of payment	0.4
05/25/10	WJB	Finalize e-mail to Sonitrol with employee access list, times and access rights	0.2
05/25/10	WJB	Telephone call to D Stoelting regarding conference regarding outcome of court hearing and no depositions and preparation for possible preliminary injunction hearing	0.3
05/25/10	WJB	Inspect third and fifth floor areas for removal of property requested by landlord and assure compliance with same	0.2
05/25/10	WJB	Conference with building locksmith in preparation for Thursday repair to door in preparation for Sonitrol installation	0.2
05/25/10	WJB	Conference with B Shea regarding payment of checks and McGinn Smith payroll	0.2
05/25/10	WJB	Conference with M Lasch, T Welles regarding ability to make Accumed distribution, shared space arrangements at 99 Pine Street, processes going forward if Pine Street were to be dismissed from Receivership	0.7
05/25/10	WJB	Conference with B Shea, B Cooper regarding establishing new accounts for Cruise Division and Benchmark so that checking accounts are controlled at 99 Pine Street on go-forward basis and arrangements for same	0.4
05/25/10	WJB	Telephone call from C Criniti regarding investor inquiry	0.2
05/25/10	WJB	Conference with J Carr regarding current responsibilities and tasks and ongoing services and timeline	0.1
05/25/10	WJB	Travel to and inspect surgical center with B Shea and abandoned property located therein, take photos and assess prospects for value	1.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/26/10	WJB	Arrive at Pine Street site at 8 a.m., visit employees and check on business operations	0.3
05/26/10	WJB	Prepare e-mail D Keenholts regarding physical property inventory and confirming same	0.1
05/26/10	WJB	Conference with B Cooper regarding check balances and review of accounts included and excluded at M&T	0.1
05/26/10	WJB	Conference with B Cooper regarding Mercantile Bank and relevant information regarding bank accounts and obtaining information	0.1
05/26/10	WJB	Prepare e-mail to Mercantile Bank regarding transfers of funds	0.1
05/26/10	WJB	Conference with B Shea regarding pension termination, American Express and YOLO, e-mail storage and course of action regarding how to treat same	0.3
05/26/10	WJB	Review Whitney Bank e-mail regarding checking issues with M Guidry	0.2
05/26/10	WJB	Attend to various business questions raised by B Cooper and B Shea regarding avoidable payment analysis	0.2
05/26/10	WJB	Conference with B Cooper regarding reviewing and authorizing Pine Street vendor checks and payroll with the exception of auditors	0.2
05/26/10	WJB	Review contract and invoices for D Ramos	0.2
05/26/10	WJB	E-mail to Mercantile Bank regarding new account information not received	0.2
05/26/10	WJB	Telephone call to YKH regarding organizing Mercantile payroll e-mail to Mercantile Bank and regarding new accounts	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/26/10	WJB	Telephone call to Richard at Mercantile Bank regarding new account establishment for Receiver accounts	0.3
05/26/10	WJB	Prepare memo to staff on access with new Sonitrol system	0.1
05/27/10	WJB	Meet door repairman and go over job specifications for door repair prior to Sonitrol installation	0.2
05/27/10	WJB	Meet Sonitrol installation personnel and go over work process	0.3
05/27/10	WJB	Conference Sonitrol personnel regarding issues with phone line for access system and conferences with D Keenholts in attempt to resolve same and allocation of responsibility for same	0.3
05/27/10	WJB	Conference with B Shea regarding payment obligations and treatment of McGinn Smith vendor obligations	0.1
05/27/10	WJB	Further issues relating to establishing phone line at premises for Sonitrol system in light of prior identified line by Sonitrol not being available	0.3
05/27/10	WJB	Conference B Shea regarding balances in bank accounts as necessary to pay checks as presenting and resolution of same	0.1
05/27/10	WJB	Review and approve checks for Tain as requested by B Shea	0.2
05/27/10	WJB	Review and approve checks for MSFC Security Holdings LLC as requested by B Shea	0.2
05/27/10	WJB	Telephone call from Nisch at M&T and B Shea regarding EIN numbers	0.2
05/27/10	WJB	Prepare e-mail Nisch at M&T regarding transfer of monies necessary to pay presenting checks	0.1
05/27/10	WJB	Deal with further issues regarding Sonitrol installation including phone line, intercom system and resolution of same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/27/10	WJB	Attend to review and payment and approval for same of Benchmark payroll including e-mail	0.3
05/27/10	WJB	Prepare e-mail to R Nellis at Whitney Bank regarding approval of Benchmark payroll	0.2
05/27/10	WJB	Review First Excelsior Income Notes LLC checks for tax payments and approve	0.1
05/27/10	WJB	Conference Sonitrol representative regarding failure of UPS to deliver access cards for programming and delay of implementation of system	0.2
05/27/10	WJB	Prepare e-mail C Trinkley at Mercantile Bank regarding request for online viewing regarding seized accounts in order to reconcile numbers for historical purposes	0.2
05/27/10	WJB	Conference with B Shea regarding voicemail system and how to handle incoming calls given that there will be no receptionist going forward and need to differentiate calls between calls to individuals for business purposes and calls from investors	0.3
05/27/10	WJB	Work on contacts with UPS to arrange for delivery of access cards no later than Friday May 28, conferences with PL personnel, mailroom staff to track same	0.3
05/28/10	WJB	Consider how to deal with remainder of YOLO assets and implications regarding car loan and employee status	0.1
05/28/10	WJB	Prepare e-mail ALH1 regarding dealing with remaining YOLO issues including employment issues and inventory	0.1
05/28/10	WJB	Prepare e-mail Trish on Livingston documents and claim versus Livingston regarding same	0.1
05/28/10	WJB	Prepare draft termination letter to YOLO employee concerning status	0.1
05/28/10	WJB	Conference with B Shea regarding ongoing staffing issues and recommendations regarding same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/28/10	WJB	Sign up employees for delivery of Sonitrol access cards and implementation of new door access system	0.8
05/28/10	WJB	Approve vendor checks for Alarm Traders at request of B Shea, review same and proof of legitimacy	0.3
05/28/10	WJB	Conference with B Shea requesting explanation for certain checks and expenses requested to be paid and decision regarding certain McGinn Smith pre-dated expenses	0.3
05/28/10	WJB	Telephone call to R Wager at Sonitrol regarding establishment of online communications with Sonitrol door access system and establishment of same	0.2
05/28/10	WJB	Review M Warren e-mail on accounts regarding Full Circle and e-mail M Warren regarding response concerning obtaining consent	0.2
05/28/10	WJB	Discuss with B Shea E Castanon checks at White Glove and process for approval and payment of same	0.2
05/28/10	WJB	Deal with Whitney Bank and Benchmark issues concerning payment of invoices, review and approval of same and review R Nellis e-mail	0.6
05/28/10	WJB	Review two e-mails from T Pastore regarding Full Circle payments relating to new M&T accounts except for Capital Trust; Prepare reply confirming same in order to provide funding revenue after discussion and confirmation with B Shea	0.4
05/28/10	WJB	Travel from 99 Pine Street to Buffalo (4.2 hours)	2.1
05/28/10	WJB	Unbillable travel time from 99 Pine Street to Buffalo	2.1
05/29/10	WJB	Prepare reply to e-mail on reasons for new zero balance account at M&T regarding Full Circle and review reply regarding consent to same	0.2
05/29/10	WJB	Set up Sonitrol system reports regarding online access	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/31/10	WJB	Prepare e-mail Alarm Traders and McGinn Smith staff regarding Sonitrol system operational and how to use various door entrances and obtain cards from B Shea for those absent on Friday	0.1
06/01/10	WJB	Review Pine Street release order received from SEC and prepare comments to same; E-mail comments to parties regarding Receiver implications	0.5
06/01/10	WJB	Review B Shea e-mail regarding voicemail transfers and forward to TAR for handling	0.1
06/01/10	WJB	Review W Shaw e-mail regarding rent check and prepare e-mail Richard at Mercantile Bank requesting same	0.2
06/01/10	WJB	Conference with MEY regarding Sonitrol performance and issues	0.1
06/01/10	WJB	Organize pleadings and files for preliminary injunction hearing at U.S. District Court on 6/3 in preparation for travel to Albany	0.2
06/01/10	WJB	Prepare e-mail B Shea and D Keenholts regarding setting up meeting with voicemail representative at 99 Pine Street to coordinate phones between McGinn Smith and Alarm Traders	0.1
06/02/10	WJB	Travel from Buffalo to Albany (Travel time 4.3 hours)	2.2
06/02/10	WJB	Telephone call from Kazita at M&T Bank regarding check being processed to confirm validity of same, conference with B Shea regarding same and return call to approve processing of check	0.2
06/02/10	WJB	Telephone call from R Sponn (949.295.4545) as investor concerning investment and status, Receiver function and course of action	0.2

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06/02/10	WJB	Conference with B Shea regarding private placement memorandums for Triple Play deals, review same and e-mail to SEC concerning concerns regarding interrelationships among other parties and possible avoidance transactions	0.5
06/02/10	WJB	Review and authorize checks for B Shea for medical insurance and vendors	0.1
06/03/10	WJB	Prepare First Receiver Report for filing with District Court	1.9
06/03/10	WJB	Conference with B Shea regarding W Shaw request and H Controls issue	0.1
06/03/10	WJB	Conference with B Shea regarding aggregating expenses, substantive consolidation related issues	0.1
06/03/10	WJB	Meet with B Shea, D Keenholts and voicemail company representative regarding need to reprogram phones to segregate Alarm Traders and McGinn Smith calls	0.3
06/03/10	WJB	Conference with B Shea regarding comments to First Receiver Report	0.1
06/03/10	WJB	Work with voicemail technicians on new recording for McGinn Smith calls	0.2
06/03/10	WJB	Conference with B Cooper regarding aggregating bank balance reports for inclusion in First Receiver Report	0.1
06/03/10	WJB	Work on revisions to First Receiver Report to incorporate bank balances and other matters	1.0
06/03/10	WJB	Attend to issues with misdirected M&T wire transfer for \$20,223.34 and authorize release after receiving appropriate facts	0.2
06/03/10	WJB	Meet with B Shea on accounts payable, sign vendor checks, approve Alarm Traders payroll	0.6
06/04/10	WJB	Prepare for meeting with Messrs. McGinn and Smith with counsel concerning preliminary injunction order	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/04/10	WJB	Attend meeting at M Koenig firm with Messrs. McGinn and Smith and counsel regarding preliminary injunction order, administrative expenses, discussion of protocol going forward	1.4
06/04/10	WJB	Attend to signing and review of Alarm Traders checks and conference with B Shea regarding same	0.5
06/04/10	WJB	Review final version of Receiver's Report for filing with District Court	0.1
06/04/10	WJB	Telephone call to M Guidry regarding check approval for Benchmark	0.1
06/04/10	WJB	Conference with B Shea regarding arranging meeting at Seton for discussion with hospital and scheduling regarding same	0.1
06/04/10	WJB	Prepare final changes to Receiver's First Report	0.2
06/04/10	WJB	Multiple conferences with D Stoelting and B Shea regarding attempt to provide accounting information concerning transfer of monies by Mrs. Smith appearing in account statements and identification of location and person best able to identify records and transfer	0.7
06/04/10	WJB	Travel from 99 Pine Street to Buffalo (Travel time 4.2 hours)	2.1
06/07/10	WJB	Review HSBC Cruise Charter Ventures HSBC statement and prepare e-mail B Shea regarding same for incorporation into accounting records	0.1
06/07/10	WJB	Review B Shea e-mail on Seton transfer of rent payment to new account and e-mail M&T requesting same	0.1
06/07/10	WJB	Review W Shaw 6/4 5:04 pm e-mail on bank account transfers; Send e-mail B Shea regarding process to transfer funds	0.1

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06/07/10	WJB	Review M Guidry 6/4 e-mail with checks to clear; Forward with request to R Nellis at Whitney Bank	0.1
06/07/10	WJB	Attend to request from Asst. U.S. Attorney for additional documents from McGinn Smith	0.1
06/07/10	WJB	Review e-mail from B Shea on rearranging date for meeting at Seton regarding medical office building	0.1
06/07/10	WJB	Review e-mail from D Keenholts regarding language line and use of credit card for charges; Prepare reply and process	0.1
06/07/10	WJB	Review L Mehraban e-mail on conference room and request for time to prepare Receiver's testimony	0.1
06/07/10	WJB	Telephone call from L Mehraban at SEC to go over scope of potential testimony for preliminary injunction hearing	0.1
06/07/10	WJB	Review photos and memorandum of first day at McGinn Smith as prepared by V Kruse	0.2
06/07/10	WJB	Prepare e-mail to Mercantile Bank for White Glove wire transfer to M&T account	0.2
06/07/10	WJB	Review e-mail from B Shea regarding \$5,089 tax wire for McGinn Smith payroll and e-mail Nisch at M&T regarding same	0.2
06/07/10	WJB	Telephone call from M DeMasi of Albany Times Union regarding sale of 13 Century Hill Drive and identification as not being imaging center; Telephone call to J Carr to confirm same; Telephone call to M DeMasi to confirm same	0.2
06/07/10	WJB	Review wire transfer request form received from M&T; Telephone call to B Shea whether ADP address is correct, authorize same	0.2
06/07/10	WJB	Prepare travel reimbursement for June 1 - June 4 Albany trip	0.2
06/07/10	WJB	Prepare travel reimbursement for 5/25-5/28 Albany trip	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/07/10	WJB	Review COBRA coverage letter sent to P Sicluna	0.1
06/07/10	WJB	Review COBRA cover letter sent to A Lyubarskaya	0.1
06/07/10	WJB	Review 5/21 letter from K Lynch; Prepare reply regarding IRA	0.2
06/07/10	WJB	Review 5/5 FINRA letter regarding suspension for failure to pay dues	0.1
06/08/10	WJB	Prepare e-mail B Shea regarding status of KeyBank servicing for free and need for response	0.1
06/08/10	WJB	Travel from Buffalo to 99 Pine Street (Travel time 4.4 hours)	2.2
06/08/10	WJB	Send attorney bills to B Shea for posting as liabilities as received in mail	0.1
06/08/10	WJB	Review status of operations at Alarm Traders, conferences office staff and updates of present operations	0.3
06/08/10	WJB	Review inquiry concerning \$83,830 check from pre- Receivership period from SEC regarding Smith trust	0.2
06/08/10	WJB	Prepare for meeting with L Mehraban of SEC to prepare Receiver testimony for preliminary injunction hearing	0.3
06/08/10	WJB	Review e-mail from Mr. Manzi and prepare reply regarding no distributions to investors at this time or redemptions	0.2
06/08/10	WJB	Conference with B Shea regarding equity investment value and trading in Deerfield Capital Corp., consider risks, analysis and course of action	0.2
06/08/10	WJB	Attend meeting at Phillips Lytle with L Mehraban and D Stoelting by phone regarding testimony preparation for preliminary injunction hearing on June 9	1.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/08/10	WJB	Conference with B Shea regarding background facts on Lexus driven by Mrs. Smith and review Excel spreadsheet concerning benefits previously provided to Messrs. McGinn and Smith in preparation for preliminary injunction hearing	0.5
06/09/10	WJB	Prepare for testimony at District Court at preliminary injunction hearing, review First Receiver Report and review report on McGinn Smith expenses allocated to other entities	0.1
06/09/10	WJB	Arrive at 99 Pine Street, prepare list of open items for day to accomplish and attend to details including preparation for preliminary injunction testimony	0.2
06/09/10	WJB	Conference with B Shea and B Cooper regarding testimony and events at District Court relevant to their interests as employees at Alarm Traders and formerly McGinn Smith	0.3
06/10/10	WJB	Review M Guidry e-mails regarding Benchmark payroll and expenses and e-mail YKH for assistance regarding processing of same	0.1
06/11/10	WJB	Prepare and authorize e-mails on Pine Street checking account and American Express cards and authorize issuance of same to release monies from Receivership to Pine Street Capital	0.2
06/11/10	WJB	Conference with TAR regarding shipping and retention of documents from preliminary injunction hearing	0.1
06/11/10	WJB	Conference with B Shea regarding signing of vendor checks and doing same	0.2
06/11/10	WJB	Conference with TAR regarding follow-up on preparation of Complaint and follow-up demand letter to T Livingston regarding claims	0.1
06/11/10	WJB	Travel from 99 Pine Street Albany to Buffalo (Travel time 4.4 hours)	2.2
06/14/10	WJB	Review e-mail from B Cooper with 6/11 bank balances	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/14/10	WJB	Telephone call from L Mejia regarding status and sale of Alarm Traders portfolio	0.2
06/14/10	WJB	Telephone call from S Berg at NYS Department of Health regarding request for contact information for M McGinn as custodian of records of imaging center	0.2
06/14/10	WJB	Prepare e-mail M&T relating to release of Pine Street monies and attach relevant orders allowing for same	0.2
06/14/10	WJB	Revise e-mail to M&T regarding release of Pine Street monies and distribute same	0.3
06/14/10	WJB	Prepare e-mail M&T to further release Pine Street funds; Telephone message M Warren at M&T and return voicemail regarding authorization to do same	0.3
06/14/10	WJB	Prepare e-mail Whitney Bank regarding Benchmark payroll ACH authorization	0.1
06/14/10	WJB	Prepare e-mail Whitney Bank regarding authorization to transfer moneys to M&T account	0.1
06/14/10	WJB	Telephone call to D Keenholts regarding how phones read when calling outside numbers and distinguishing between Pine Street, McGinn Smith and Alarm Traders including revision of proposed letter to Cornerstone regarding authorization on correcting phone lines regarding messages being delivered to recipients of calls and forward same to Cornerstone	0.5
06/15/10	WJB	Telephone call from Dr. Patel regarding status of receivership and return of investment funds	0.1
06/15/10	WJB	Telephone call from NYC counsel for investors regarding inquiry concerning receivership and return of investor funds	0.1
06/15/10	WJB	Sign checks prepared by B Cooper for various payables and prepare cover letter returning checks and requesting a change in practice regarding presentation of checks with attached invoices as opposed to separate	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/15/10	WJB	Send e-mail to Nisch at M&T for \$17,000 transfer to fund payroll	0.1
06/16/10	WJB	Telephone call from D Hoffman at insurance consultant regarding potential review of insurance policies, costs to accomplish same	0.3
06/16/10	WJB	Telephone call to B Shea regarding request for insurance list for D Hoffman	0.1
06/16/10	WJB	Prepare e-mail D Hoffman regarding insurance review and potential bid	0.1
06/16/10	WJB	Consider insurance issues and policies and upcoming renewals	0.1
06/16/10	WJB	Prepare e-mail D Hoffman regarding chart prepared by B Shea regarding current insurance renewal	0.1
06/16/10	WJB	Review White Glove payables e-mail from B Shea	0.1
06/16/10	WJB	Review White Glove payables and prepare account payable e-mails for transfer of funds	0.4
06/16/10	WJB	Two telephone conferences with Sonitrol employees concerning issues concerning performance of system	0.3
06/16/10	WJB	Review insurance proposal from insurance consultant; Follow-up telephone conference with Principal concerning rejection of offer as too expensive and discussion of alternative approach	0.1
06/17/10	WJB	Telephone call from R Wagar regarding Sonitrol issues and performance of system	0.1
06/17/10	WJB	Telephone conference with D Keenholts regarding further issues with phone system and need to resolve same	0.1
06/18/10	WJB	Prepare e-mail B Shea regarding okay to process White Glove and Benchmark payables	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/18/10	WJB	Prepare e-mail B Shea regarding okay to process Alarm Traders payables and e-mail Nisch at M&T regarding processing payroll wire to ADP	0.2
06/18/10	WJB	Review e-mail from Nisch at M&T regarding ADP tax wire instructions; Review and sign same and return to M&T Bank	0.1
06/19/10	WJB	Review and sign White Glove trade payable checks and Fed X same to White Glove	0.3
06/19/10	WJB	Review and sign Benchmark payables checks and Fed X same to Benchmark	0.2
06/21/10	WJB	Prepare e-mail B Shea, J Carr to set up meeting with Seton representatives to discuss purchase of building	0.1
06/21/10	WJB	Review e-mail from B Shea regarding potential meeting dates and times with Seton representatives and prepare reply regarding same	0.1
06/21/10	WJB	Review D Keenholts report and prepare reply regarding status of inventory	0.1
06/22/10	WJB	Prepare e-mail R Wagar regarding entry time deficiency in system	0.1
06/22/10	WJB	Telephone conference with B Shea regarding discussion of insurance renewal	0.2
06/22/10	WJB	Discussion with B Shea regarding monthly health insurance options and alternatives; Prepare approval e-mail B Shea	0.3
06/22/10	WJB	Prepare e-mail M Guidry asking what happened on damaged vehicle; Review reply regarding second accident and prepare reply inquiry regarding insurance coverage	0.2
06/22/10	WJB	Review Pine Street distribution analysis, consider relationships of entities including VAR; Dictate e-mail on distribution approval and limitations	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/22/10	WJB	Telephone call from A Maney regarding background facts on co-interest on Century Hill property regarding imaging and surgery center, value of property, prior offer of \$2.2 million for entire building and allocation of 13,000 square feet on one side and 15,000 square feet on surgery side, past due taxes, Receiver position and needs, preliminary discussion on potential offer and course of action and agreement that Mr. Maney would obtain appraisal	0.3
06/22/10	WJB	Prepare memo to file regarding A Maney conversation regarding Century Hill Drive property regarding imaging center	0.2
06/22/10	WJB	Consider VAR II issues relating to Pine Street distribution including review of Palisades loan documents provided by J Carr to attempt to locate connecting issues for potential setoff	0.4
06/23/10	WJB	Travel from Buffalo to 99 Pine Street, Albany (Travel time 4.4)	2.2
06/23/10	WJB	Telephone message R Wagar regarding no upload of data from security system	0.1
06/23/10	WJB	Telephone conference with R Wagar regarding upload failure of Sonitrol system	0.1
06/23/10	WJB	Review McGinn Smith checks for various vendors, review and sign for B Shea	0.6
06/23/10	WJB	Conference with B Shea regarding D Smith American Express card, collection letter and prepare letter D Smith regarding need for him to pay account	0.1
06/23/10	WJB	Conference with B Shea regarding CIPC insurance and prepare letter CIPC regarding inability of Receiver to file financial forms	0.1
06/23/10	WJB	Conference B Shea regarding American Express charge for Charter Cruise Ventures	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/23/10	WJB	Conference with B Shea regarding Monteray Bank, bank accounts and transfer of monies including telephone conversation with ALH1 regarding follow-up and arrangements to accomplish same	0.3
06/23/10	WJB	Extended conference with B Shea regarding various business issues and handling of same including COBRA, renewal of insurance, use of vehicles and other matters	0.4
06/24/10	WJB	Travel to Seton Building in Troy, NY with J Carr and meet with M Smith and P Gordon to discuss Receiver's interest in medical office building following inspection of same, timeline, purchase price, due diligence and overall process, issues and goals, legal issues and rights of Receiver and ways to convey title lien free	2.3
06/24/10	WJB	Prepare e-mail to Sonitrol regarding failures of present security system and need to correct changes right away	0.3
06/24/10	WJB	Meeting with Sonitrol operations manager on site to correct deficiencies in present panel, review of information received to date, computer reporting and the like and attempt to resolve same	0.3
06/24/10	WJB	Follow up meeting with Sonitrol operations manager and agreement to replace panel and steps to accomplish same	0.3
06/24/10	WJB	Telephone call to B Mumford regarding Receiver position on distribution to VAR out of Pine Street Capital funds	0.1
06/24/10	WJB	Review e-mail from E Castanon to authorize White Glove payroll wire and preparation of e-mail to Mercantile to authorize same	0.2
06/24/10	WJB	Conference with B Shea regarding F4W, Inc. check and prepare e-mail T McGinn regarding accuracy of amount	0.1
06/24/10	WJB	Conference with T Welles regarding performance of Pine Street Capital Fund and facts concerning recent distribution and investor follow up	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/24/10	WJB	Conference with B Shea regarding reducing payroll overhead and transition regarding same	0.3
06/25/10	WJB	Conference with J Carr regarding F4W Claim, agreement number 2 and prepare memo to file regarding same regarding Palisades	0.3
06/25/10	WJB	Discuss staffing levels with B Shea and decisions on how to proceed	0.2
06/25/10	WJB	Meet with T McGinn regarding status, update on situation, discussion of F4W an Palisades claims, other matters and course of action	1.1
06/25/10	WJB	Conference with C Gracey regarding employment termination, terms of same and coordination with B Shea regarding transition	0.3
06/25/10	WJB	Conference with T Welles regarding how to handle D Smith call to J Carr regarding information request of Pine Street Capital	0.1
06/25/10	WJB	Participate in conference call with SEC counsel regarding status of case, reducing expenses, claims made against Mr. Livingston, Palisades pictures, F4W, broker receivables, Seton Hall, Century Hill, Alarm Traders assets and cash flow, Benchmark, White Glove, methodology for financial analysis and bank balances	1.1
06/25/10	WJB	Conference with J Carr regarding communications, employment terms and use of services	0.2
06/25/10	WJB	Conference with all Alarm Traders employees concerning reductions in other staff and maintaining Alarm Traders as integrated unit	0.2
06/25/10	WJB	Telephone call to D Smith regarding need to deal with vehicle, insurance and related matters, surrender of vehicle or option to purchase	0.3
06/25/10	WJB	Review and authorize Benchmark checks	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/25/10	WJB	Review and authorize White Glove checks	0.2
06/25/10	WJB	Conferences Sonitrol employees regarding installation of new panel, computer linkage and performance	0.3
06/25/10	WJB	Travel from 99 Pine Street to Buffalo (travel time 5.2 hours)	2.6
06/28/10	WJB	Prepare letter T McGinn regarding house foreclosure letter received from M&T as promised on Saturday phone call	0.1
06/28/10	WJB	Prepare employee termination letters for T Trombley, C Gracey and M Brustle	0.1
06/28/10	WJB	Telephone call from B Shea regarding B Cooper resignation	0.1
06/28/10	WJB	Consider J Carr needs regarding employment and review his e-mail and resume regarding same; Consult with Albany counsel regarding reputation and background	0.2
06/28/10	WJB	Review e-mail from B Cooper on Mrs. Smith K-1's and review and forward to SEC per request for documents	0.2
06/28/10	WJB	Prepare e-mail B Shea regarding SEC request for copying of all computer files and request for proposal from outside vendor for cost and timeframe for same	0.2
06/28/10	WJB	Review e-mail from Reed Nellis regarding Benchmark wire; Prepare reply to copy Receiver on same; Attempt to locate background e-mail regarding exact wire being referred to and e-mail M Guidry regarding same	0.2
06/28/10	WJB	Review Verifier letter for B Shea on Alarm Traders wire transfers; Send letter to authorize transfers to new account	0.1
06/29/10	WJB	E-mail B Shea approving payroll	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/29/10	WJB	Telephone conference with M Smith, P Gordon at Seton regarding report on no decision by Seton to proceed or not proceed with building acquisition, request for further data, request for payment of taxes, request to leave tenants alone and Receiver request for process and timeline and nature of interest	0.4
06/29/10	WJB	Prepare e-mail B Shea, J Carr regarding report on telephone conference with Seton and possible request for additional financial information	0.2
06/29/10	WJB	Review payroll request from B Shea and approve same and accompanying wire transfer request and prepare reply regarding source of funding and review reply	0.2
06/29/10	WJB	Prepare e-mail Nisch at M&T to fund wire transfer to ADP for McGinn Smith payroll taxes	0.1
06/29/10	WJB	Telephone call from B Shea to discuss termination of Messrs McGinn and Smith health insurance, COBRA basis and surrender of vehicles	0.2
06/29/10	WJB	Review IT proposal for copying of e-mails received from B Shea and prepare e-mail M Paley at SEC with same and request for thumb drive	0.2
06/29/10	WJB	Review B Shea health insurance notice for McGinn Smith	0.2
06/29/10	WJB	Review M Guidry June 30 payroll request for ACH transfer; Prepare e-mail Reed Nellis at Whitney Bank to allow same	0.2
06/30/10	WJB	Telephone conference with B Shea, SKR2 regarding obligation of Alarm Traders to provide COBRA to former McGinn Smith employees under common ownership and affiliation rules	0.2
06/30/10	WJB	Review B Shea e-mail on paid time off obligations	0.1
06/30/10	WJB	Prepare e-mail D Smith regarding vehicle surrender	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/30/10	WJB	Conference with SKR2 regarding COBRA and affiliation rules and application of same	0.1
06/30/10	WJB	Finalize T Trombley termination letter and forward same	0.1
06/30/10	WJB	Finalize C Gracey termination letter and forward same	0.1
06/30/10	WJB	Finalize M Bristle termination letter and forward same	0.1
06/30/10	WJB	Review e-mail from B Shea regarding information request for M McGinn regarding CCV and prepare reply to direct inquiries to receiver	0.1
06/30/10	WJB	Prepare e-mails B Shea, SKR2 regarding COBRA benefits and transition	0.2
06/30/10	WJB	Review e-mail from B Shea on additional insured for Lexus vehicle and prepare e-mail D Smith regarding same	0.2
06/30/10	WJB	Telephone call from B Shea on how to treat McGinn Smith COBRA	0.1
06/30/10	WJB	Review B Shea e-mail on scope of insurance coverage for Mrs. Smith Lexus; E-mail D Smith to confirm assurance of proper coverage levels	0.2
06/30/10	WJB	Draft health insurance plan change with reservation of rights to Messrs. McGinn and Smith	0.2
06/30/10	WJB	Review e-mail from P Gordon with document information request; Prepare reply regarding request for hospital's position on level of interest and timeline to purchase medical office building and need for same to determine how quickly to respond to document request and allocation of work levels among employees	0.2
06/30/10	WJB	Review e-mail from T Welles regarding distribution of information to Mrs. Smith and Smith trustee concerning recent Pine Street distribution; Prepare reply approving same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/01/10	WJB	Travel from Buffalo to 99 Pine Street, Albany (Travel time 4.4 hours) including telephone conference with M Tolcott, Esq. on behalf of H Smith regarding existence of bar date	2.2
07/01/10	WJB	Conferences with B Shea and C Gracey regarding COBRA, transfer of health plans and related terminated employee decisions	0.5
07/01/10	WJB	Visit personnel in offices at 99 Pine Street to assess status and ongoing operations at Alarm Traders	0.4
07/01/10	WJB	Discuss staffing needs with D Keenholts for Alarm Traders including possible part-time assistance in light of resignations and terminations	0.2
07/01/10	WJB	Various conversations with B Cooper and N Duffey regarding various operational matters concerning bank accounts and Alarm Traders operations	0.4
07/01/10	WJB	Prepare Mercantile Bank wire transfer request for \$25,000 to M&T account and send same	0.2
07/01/10	WJB	Conference with B Shea, C Gracey regarding review of health care insurance policies, comparison of choices and selection of new plan taking into account various considerations	0.4
07/01/10	WJB	Review and sign checks for B Shea	0.3
07/01/10	WJB	Review newest request from SEC for information and finding compared to prior Department of Justice information request	0.4
07/01/10	WJB	Exchange e-mails with SKR and B Shea regarding COBRA benefits and plan changes, changing insurance carriers and imposing COBRA on new carrier	0.5
07/01/10	WJB	Review e-mail from B Shea regarding change in July rent payee and prepare reply concerning requesting confirmation from Receiver as to same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/01/10	WJB	Prepare e-mail B Shea regarding revised D Smith car insurance requirements	0.1
07/01/10	WJB	Prepare e-mail D Stoelting regarding address information for delivery of hard drive to copy files from SEC	0.1
07/02/10	WJB	Attend to new Sonitrol security card for N Duffey and replacement for same	0.2
07/02/10	WJB	Review e-mail from B Shea regarding Guardian check and issuance of same; Prepare e-mail Nisch at M&T requesting issuance of counter-check from M&T for payment	0.2
07/04/10	WJB	Travel from 99 Pine Street, Albany to Buffalo (Travel time 4.2 hours)	2.1
07/06/10	WJB	Telephone call from T Livingston regarding first contact and response to WJB attempts to contact T Livingston concerning vehicle and insurance on same, request for procuring and providing proof of insurance and terms of lease of vehicle	0.2
07/06/10	WJB	Benchmark: Review e-mail from R Neelis regarding two ACH charges being presented and request for authorization for same and prepare e-mail M Guidry regarding inquiry regarding same	0.1
07/06/10	WJB	Benchmark: Review e-mail from M Guidry regarding charges involving credit card fees and e-mail R Neelis regarding okay to pay	0.1
07/06/10	WJB	Respond to e-mail to B Shea on responses concerning responsibilities and allocation of duties in light of Cooper leaving	0.1
07/08/10	WJB	Telephone call from B Shea regarding operational issues listed on July 6 e-mail and discuss same and course of action	0.4
07/08/10	WJB	Attend to review and signing of vendor checks requested by M Guidry	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/09/10	WJB	Attend to changing Sonitrol card system for departed employees and check status of other active Sonitrol active access cards	0.2
07/09/10	WJB	No charge: Prep e-mail SEC regarding request to adjourn 2:00 p.m. call for today based on scheduling	0.1
07/09/10	WJB	Review B Shea draft Seton 2009 assessment letter to tenants; Prep reply providing approval and comments with questions on accountant's review of same	0.2
07/09/10	WJB	Review e-mail from M Guidry of Benchmark requesting ACH for compliance solutions	0.1
07/09/10	WJB	Prep e-mail R Neelis authorizing ACH for Benchmark for compliance solutions	0.1
07/09/10	WJB	Review M Guidry of Benchmark request for wire transfer from Whitney Bank to M&T to cover transactions; Prep e-mail R Neelis at Whitney authorizing wire transfer and requesting further information	0.3
07/09/10	WJB	Review secure message transaction from Whitney Bank, open account and review message concerning wire transfers at ACH	0.2
07/09/10	WJB	Review e-mail from D Roman regarding option contract and interest payments; Prep e-mail reply to establish communications on the option and debt; Prep e-mail D Keenholtz to inform him of same	0.1
07/09/10	WJB	Prep for and participate in status conference with SEC representatives concerning status of receivership case, actions and developments and questions	0.8
07/10/10	WJB	Review e-mail from M Byrd regarding request for contact regarding water damage and leak at 99 Pine Street; Prepare e-mail TAR regarding checking on availability	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/10/10	WJB	Telephone call to TAR regarding availability to go to site and meet building manager and water repair team and coordinating same	0.1
07/10/10	WJB	Review follow-up on e-mails on status of premises from TAR and prepare reply regarding extent of damage and next steps	0.1
07/12/10	WJB	Telephone call from B Shea regarding B Cooper proposal regarding contract services, QDRO, 401(k) and closing of checking accounts	0.1
07/12/10	WJB	Review HSBC Bank statement regarding Cruise Charter Ventures and e-mail same to B Shea	0.1
07/12/10	WJB	Prep e-mail to Alarm Traders staff regarding over the weekend water leak and request for reporting of damages	0.1
07/12/10	WJB	Review e-mail from B Cooper regarding time off and coordination on check signing	0.1
07/12/10	WJB	Prep reply to B Shea regarding terms and conditions presented by B Cooper regarding overtime approval and rejecting proposal	0.2
07/12/10	WJB	Prep e-mail M Guidry regarding possible incorrect calculation on direct deposit fee and request clarification or correction and deal with 3 e-mails having been returned as undeliverable due to M Guidry new mobile device	0.2
07/12/10	WJB	Review payroll request received from M Guidry for July 15, 2010	0.2
07/12/10	WJB	Review e-mail from M Guidry with revised numbers for payroll and direct deposit cost and verify same	0.1
07/12/10	WJB	Prep e-mail R Neelis authorizing Benchmark payroll	0.1
07/12/10	WJB	Review W Shaw July 15 payables request relating to White Glove and check prior e-mails as to whether wire transfer previously sent	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/12/10	WJB	Telephone call from B Dake regarding second firstline transaction and status of repayment of investors, reason why no payments being made to investors and prep memo to file regarding same	0.3
07/12/10	WJB	Continue to look for prior wire transfer information regarding White Glove wire transfers done previously, approve and prep e-mail to Mercantile Bank regarding current wire transfer request from W Shaw	0.2
07/12/10	WJB	Telephone call from B Shea regarding how to deal with return of equipment from Marlene at Yolo Cruises with the exception of printer	0.1
07/12/10	WJB	Review July 11 e-mail from B Shea regarding propose of close M&T pre-receivership accounts, consider and approve same; Review July 11 e-mail from B Shea regarding amounts to transfer and close out of such accounts; Prep 2 e-mails B Petrusso at M&T regarding closing pre-receivership accounts and transferring balance and retention of records by M&T	0.5
07/12/10	WJB	Telephone call from R Doust (518) 512-3732 regarding loss of \$105,000 investment and referral to website	0.1
07/13/10	WJB	Review and sign July 15 payable checks; Prep letter E Castanon confirming W Shaw benefits in connection with cruise	0.3
07/13/10	WJB	Review Alarm Traders payroll received from B Shea	0.2
07/13/10	WJB	Review two e-mails from B Petrusso at M&T regarding closing pre-receivership accounts	0.1
07/13/10	WJB	Prep reply to B Shea concerning PTO claim for Carolyn Gracui	0.1
07/13/10	WJB	Telephone call from J Greenberg as Yolo customer regarding status of cruise and status of refund, discussion of how to notify customers	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/13/10	WJB	E-mail Nisch at M&T Bank regarding authorizing transfer to cover service charges	0.1
07/13/10	WJB	Review M Byrd e-mail regarding access card request for 99 Pine Street in light of water damage and need for access at that time	0.1
07/13/10	WJB	Prep e-mail M Byrd on conditions of obtaining access card including need for Receiver sign off	0.1
07/13/10	WJB	Telephone message to D Roman regarding Firstline transaction interest payments and option	0.1
07/13/10	WJB	Attend to deactivating Sonitrol cards for departed employees and attending to lost cards and issuing new cards for same	0.3
07/13/10	WJB	Prep e-mail Nisch at M&T regarding statement analysis	0.1
07/13/10	WJB	Prep e-mail B Shea authorizing installation of new desktop PC for B Shea to perform functions	0.1
07/13/10	WJB	Telephone call from D Roman regarding need for account receivable aging to perform due diligence on options and subsequently original contracts if option transaction closes, possible additional interests and other assets and services	0.3
07/14/10	WJB	Review \$49,171 vendor request received from M Guidry and assert reservation of rights regarding potential insider payments	0.4
07/15/10	WJB	Review, sign and approve checks for Seton and other entities	0.3
07/15/10	WJB	Prep letter B Shea with comments and questions to sign checks and payables including as to handyman at Seton and Alarm Traders	0.3
07/15/10	WJB	Review check requests and payables from Benchmark, approve and sign same and preparation of letter to M Guidry with reservation of rights concerning insider payments	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/16/10	WJB	Review two B Shea e-mails on 401(k) extension; E-mail J Carr and B Shea regarding various issues; Conference GFK regarding 401(k) issues on extension; E-mail J Carr on ownership of Century Surgery Center relating to 401(k) Plan question	0.3
07/16/10	WJB	Telephone call from B Shea on financial circumstances in 2003 and 2004 relative to establishment of Smith trust	0.3
07/16/10	WJB	Telephone call from L Burrell of Westchester, PA regarding investment interests in McGinn, Smith	0.1
07/19/10	WJB	Review e-mail from B Shea regarding T McGinn mail and telephone J Featherstonaugh and prep reply	0.2
07/19/10	WJB	Telephone call from B Shea on how to handle T McGinn personal mail	0.1
07/19/10	WJB	Telephone call from B Shea on replacement for B Cooper in light of Cooper response concerning part-time offer	0.1
07/19/10	WJB	Review proposed request for proposals for tax services prepared by B Shea and prep comments to same and prep return e-mail explaining same to B Shea	0.4
07/19/10	WJB	Prep reply e-mail to TAR regarding Clifton Park storage facility and removal of J Carr files and consider implications	0.2
07/19/10	WJB	Review D Keenholts report and prep reply regarding question on moving to 45 day cutoff for nonpayment of accounts	0.1
07/20/10	WJB	Review e-mail from B Petruso at M&T regarding identification of remaining open accounts and forward to B Shea for confirmation	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/20/10	WJB	Benchmark: Review two e-mails from M Guidry and R Neelis regarding wire transfer request; Review prior request to confirm wire transfer direction not sent; Prep e-mail requesting specific information for wire transfer; Review instructions received from M Guidry regarding wire transfer; Prep two responses and request to commence wire transfer	0.5
07/20/10	WJB	Review July 19 B Shea e-mail on terms of proposed B Cooper engagement on part-time basis; Prep reply regarding staff accountant as alternative	0.2
07/20/10	WJB	Prep e-mail with agenda to D Keenholts and B Shea for Thursday meeting at Phillips Lytle regarding Firstline transaction, option rights and other matters	0.1
07/20/10	WJB	Review D Keenholts e-mail on WJB question on reducing from 60 days to 45 days termination of customers from non-payment and prep response regarding course of action	0.2
07/20/10	WJB	Telephone call from M Smith regarding level of interest by hospital to acquire Seton building, long discussion of intentions and Receiver's goals	0.3
07/20/10	WJB	Review Picker & Lyons resignation letter as accountants and forward copy to SEC with e-mail	0.1
07/20/10	WJB	Prep reply letter to Picker & Lyons regarding resignation and further assistance	0.1
07/20/10	WJB	Consider alternatives in Firstline transaction option by D Roman	0.1
07/20/10	WJB	Review Verifier letter regarding new capital	0.1
07/21/10	WJB	Attend to White Glove payroll request, review and approval of same	0.2
07/21/10	WJB	Travel from NYC office to 99 Pine Street (travel time 4.0 hours)	2.0

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07/21/10	WJB	No Charge: Travel from NYC office to Albany (non-billable travel time)	2.0
07/22/10	WJB	Consider issues regarding D Roman Firstline option	0.1
07/22/10	WJB	Prep for meeting with B Shea and D Keenholtz on potential stay bonus for staff, outline terms of same, review Firstline materials, documentation and evaluate same in preparation for meeting	0.6
07/22/10	WJB	Attend meeting with D Keenholtz and B Shea regarding stay bonus for staff concept, D Roman issues, confidentiality concerns, calculation of potential option right and impact upon contracts; Prep draft letter to D Roman regarding exercising option and need for confidentiality agreement	1.0
07/22/10	WJB	Prep e-mail GFK regarding preparation of potential stay bonus program	0.1
07/22/10	WJB	Sign checks for various entities prepared by B Shea and review support for same	0.2
07/22/10	WJB	Revise letter to D Roman regarding exercise of option and confidentiality agreement	0.2
07/22/10	WJB	Continue review of checks and signing of same for B Shea	0.9
07/22/10	WJB	Review additional checks from B Shea for signing and support for same and issuance of additional Sonitrol cards for lost or misplaced cards	0.4
07/22/10	WJB	Travel from 99 Pine Street to Buffalo (travel time 6.2 hours)	3.1
07/22/10	WJB	No Charge: Unbillable travel time from 99 Pine Street to Buffalo	3.1
07/23/10	WJB	Attend to case administration	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/23/10	WJB	Telephone from P Siculana regarding withdrawing lawsuit at Albany small claims court and discussion of paid time off claim, Receiver position regarding same including no funds to pay same	0.3
07/23/10	WJB	Telephone from Mr Siculana following call to J Carr concerning P Siculana action in small claims court, paid time off request, reasons why Receiver cannot fund same at this time but no decision has been made regarding same	0.3
07/23/10	WJB	Consider process regarding brokers for sale of alarm contract business	0.2
07/26/10	WJB	Telephone call from Susan Matthews (investor) regarding State Street investment, potential claim process and next steps	0.2
07/26/10	WJB	Prep comments to GFK regarding proposed stay bonus language for staff and consider questions and issues regarding terms and conditions of same	0.3
07/26/10	WJB	Review C Norman letter regarding Shoma Group and relationship to McGinn Smith	0.1
07/27/10	WJB	Prep e-mail B Shea regarding need and timing of check signing during week of July 26 and review reply regarding no e-mail service at Alarm Traders	0.1
07/27/10	WJB	Telephone call from Michelle at Pitney Bowes regarding collection claim versus McGinn, Smith, explanation of facts and circumstances	0.2
07/27/10	WJB	Conference GFK regarding retention bonus issues, structuring and eligibility	0.3
07/27/10	WJB	Review E Castanon July 27 wire request and check request	0.2
07/27/10	WJB	Prep e-mail B Shea requesting bank drafts for White Glove based upon E Castanon July 27 request	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/27/10	WJB	Prep e-mail Mercantile Bank requesting two account transfers and three wire transfers based upon E Castanon request for White Glove	0.2
07/27/10	WJB	Prep draft e-mail SEC on stay bonus concepts for staff and others	0.2
07/27/10	WJB	Telephone call from B Shea regarding checks for White Glove and various open business matters	0.1
07/27/10	WJB	Review potential calculations for stay bonus for staff and others	0.1
07/28/10	WJB	Review status of D Roman confidentiality agreement; E-mail D Keenholts regarding same	0.1
07/28/10	WJB	Telephone call T Creenan regarding questions concerning Alarm Traders potential multiple and calculation for same and sale of contracts	0.2
07/28/10	WJB	Review industry reports concerning RMR multiples and variations regarding same	0.2
07/28/10	WJB	Telephone call D Keenholts for explanation on Alarm Traders e-mail service problems and request a follow up with D Roman regarding confidentiality agreement	0.1
07/28/10	WJB	Telephone D Roman voicemail regarding status of confidentiality agreement	0.1
07/28/10	WJB	Review e-mail from D Keenholts on confidentiality agreement and D Roman; Prep e-mail D Keenholts regarding begin preparation of accounts receivable aging	0.1
07/28/10	WJB	Telephone call from Kathleen Meier and Brian Downes regarding McGinn, Smith investments, Receivership and course of action	0.2
07/29/10	WJB	Prep e-mail D Keenholts regarding status of accounts receivable aging for D Roman	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/29/10	WJB	Review July 31 payroll request and approve by return e-mail to M Guidry	0.2
07/29/10	WJB	Prep e-mail M Guidry regarding need for 4-5 business day window for review and approval of payroll and check request for vendors rather than one day notice being received	0.1
07/29/10	WJB	Benchmark: Prep e-mail R Neelis approving ACH debit for Benchmark payroll	0.1
07/29/10	WJB	White Glove: Review e-mail from B Shea to request M&T to issue bank checks for cruise line checks; Prep e-mail M&T authorizing same	0.3
07/29/10	WJB	Benchmark: Review M Guidry invoices; Prep e-mail M Guidry regarding fuelman invoice question on number of vehicles being driven based upon gas charges	0.2
07/29/10	WJB	Review Alarm Trader's payroll for July 31	0.1
07/29/10	WJB	Prep e-mail B Shea approving Alarm Trader's July 31 payroll	0.1
07/29/10	WJB	Telephone call from personnel agency in Albany regarding Tricia Trombley reference and referral elsewhere	0.1
07/29/10	WJB	Prep e-mail to M Guidry approving checks	0.1
07/29/10	WJB	Telephone call from Carol Benderson Lighter as investor, status case and likely course of action including claims review process	0.2
07/30/10	WJB	Telephone call K Beesaw regarding tax proposal for preparation of tax return of McGinn, Smith and related entities, terms of same and request for submission	0.1
07/30/10	WJB	Review e-mail from M&T regarding Alarm Traders small overdraft; Prep e-mail B Shea for explanation; Prep e-mail M&T with approval to transfer monies to cover morning overdraft	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/30/10	WJB	Review Marvin and Company tax proposal received from B Shea; Prep e-mail B Shea regarding comments on same, K Beesaw proposal and setting up appointments	0.2
07/30/10	WJB	Review and sign Benchmark and White Glove checks received from B Shea; Prep letters to M Guidry and E Castanon sending checks for distribution to vendors	0.4
07/30/10	WJB	Prep e-mail B Shea regarding comments on Marvin and Company proposal	0.2
07/30/10	WJB	Review M Byrd e-mail on change in ownership of building, review court order and request for redirection of rent checks	0.2
07/30/10	WJB	Prep e-mail B Shea on meeting with Andy Gazetti regarding IRAs	0.1
07/30/10	WJB	Review M Guidry e-mail on AT&T proposal and prep reply regarding less than 24 hour timing and explanation of proposal	0.1
07/30/10	WJB	Review proposal received from Seton Health for Seton office building and e-mail B Shea regarding same	0.1
07/30/10	WJB	Review Bonadio Group proposal for tax return services	0.1

CURRENT FEES

\$91,545.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Travel Expense Brown, William J; WJB 04/20-04/21/10 Trip to Albany, NY for McGinn Smith receivership appointment and intial visit to premises; 05/12/10	445.69
Luncheon/Dinner Conference Brown, William J; WJB 04/26/10 Lunch for Alarm Traders Staff with receiver and accountants; 05/26/10	110.00

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Travel Expense Brown, William J; WJB 04/25-04/26/10 Trip to Albany, NY for meeting with Messrs, Smith and McGinn; 05/26/10	444.66
Travel Meals Brown, William J; WJB 04/25-04/26/10 Trip to Albany, NY for meeting with Messrs, Smith and McGinn; 05/26/10	80.91
Travel Expense Brown, William J; WJB 04/25-04/26/10 Trip to Albany, NY for meeting with Messrs, Smith and McGinn; 05/26/10	129.96
Travel Expense Brown, William J; WJB 04/28-04/29/10 Trip to Albany, NY 99 Pine street from NYC office and back to Buffalo, NY; 05/26/10	296.21
Travel Meals Brown, William J; WJB 04/28-04/29/10 Trip to Albany, NY 99 Pine street from NYC office and back to Buffalo, NY; 05/26/10	20.31
Travel Expense Brown, William J; WJB 05/05-05/06/10 Trip to Albany, NY from NYC and returned back to Buffalo,NY; 05/26/10	371.66
Travel Meals Brown, William J; WJB 05/05-05/06/10 Trip to Albany, NY from NYC and returned back to Buffalo,NY; 05/26/10	11.34
Travel Expense Brown, William J; WJB 05/18-05/20/10 Travel to 99 Pine street offices; 05/26/10	669.04
Travel Meals Brown, William J; WJB 05/18-05/20/10 Travel to 99 Pine street offices; 05/26/10	57.23
Travel Expense Brown, William J; WJB 04/28-04/29/10 Parking for trip to Albany, NY; 06/28/10	24.00
Travel Expense Brown, William J; WJB 05/05-05/06/10 parking for trip to Albany, NY; 06/28/10	48.00
Travel Expense Brown, William J; WJB 05/25-05/28/10 Trip to Albany, NY from Buffalo, NY for Receivership duties; 06/28/10	801.07
Travel Meals Brown, William J; WJB 05/25-05/28/10 Trip to Albany, NY from Buffalo, NY for Receivership duties; 06/28/10	74.75
Travel Expense Brown, William J; WJB 06/08-06/11/10 Trip to Albany, NY from Buffalo, NY; 06/28/10	768.79
Travel Meals Brown, William J; WJB 06/08-06/11/10 Trip to Albany, NY from Buffalo, NY; 06/28/10	134.10

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Travel Expense Brown, William J; WJB 06/02-06/04/10 Trip to Albany, NY from Buffalo, NY for receivership duties; 06/28/10	591.99
Travel Meals Brown, William J; WJB 06/02-06/04/10 Trip to Albany, NY from Buffalo, NY for receivership duties; 06/28/10	50.66
Travel Expense Brown, William J; WJB 06/23-06/25/10 Trip to Albany, NY to 99 pine street for receiver duties; 07/08/10	584.57
Travel Meals Brown, William J; WJB 06/23-06/25/10 Trip to Albany, NY to 99 pine street for receiver duties; 07/08/10	85.66
Travel Expense Brown, William J; WJB 07/01 & 07/04/10 Trip to Albany, NY to 99 Pine street of received duties; 07/08/10	303.20
Travel Meals Brown, William J; WJB 07/01 & 07/04/10 Trip to Albany, NY to 99 Pine street of received duties; 07/08/10	12.60
Travel Expense Brown, William J; WJB 07/21-07/22/10 Trip to New York City for meeting with MVS and ANZ Bank; 07/28/10	343.46
Travel Meals Brown, William J; WJB 07/21-07/22/10 Trip to New York City for meeting with MVS and ANZ Bank; 07/28/10	19.15
Overnight Courier WJB - UPS to Eli Castanon; Re Signed Checks.	25.43
Overnight Courier WJB - UPS to Mr. Mark L Guidry, Re: Signed Checks	25.43
CURRENT EXPENSES	<hr/> 6,529.87
TOTAL AMOUNT OF THIS INVOICE	\$98,074.87

PAYMENT DUE UPON RECEIPT

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, and

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 0/04/04,

Intervenor.

**ORDER APPROVING FIRST INTERIM APPLICATION OF
PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon the First Interim Application of Phillips Lytle LLP (“Phillips Lytle”) and the Receiver (“Receiver”) for Allowance of Compensation and Reimbursement of Expenses dated November 24, 2010 (Docket No. ____) (“Application”) for an order approving the allowance of compensation and reimbursement of expenses; and notice of the Application having been given to the Securities and Exchange Commission and all parties who have filed a Notice of

Appearance in this action and all creditors of the McGinn Smith Entities and other parties in interest via the Receiver's website, which notice is deemed good and sufficient notice; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that (i) compensation for legal and Receiver services rendered between April 2010 and July 31, 2010 ("First Interim Period") in the amount of \$174,452.75 is allowed as an interim allowance, and (ii) reimbursement of expenses advanced by Phillips Lytle during the First Interim Period in the amount of \$19,644.22 is allowed as an interim disbursement payment; and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as allowed pursuant to this Order.

Dated: December __, 2010

HON. DAVID R. HOMER

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