

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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

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

Defendants.

ORDER

By letter dated December 7, 2010, plaintiff Securities and Exchange Commission ("SEC") requested leave to move for an order lifting the asset freeze as to the Vero Beach, Florida property held in the name of defendant Lynn A. Smith to permit its sale. Dkt. No. 216. In accordance with N.D.N.Y.L.R. 7.1(b)(2), a telephone conference was held on-the-record with all affected parties on December 9, 2010. As stated at the conclusion of that conference it is hereby

ORDERED that in accordance with N.D.N.Y.L.R. 7.1(b)(2), the SEC is granted leave to file a motion as requested in its December 7, 2010 letter.

IT IS SO ORDERED.

Dated: December 10, 2010
Albany, New York



United States Magistrate Judge