

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

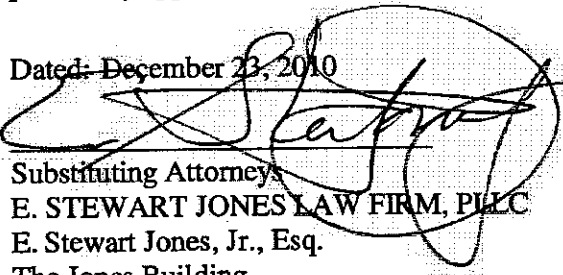
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SECURITIES AND EXCHANGE COMMISSION :
Plaintiff, :
 vs. :
 MCGINN, SMITH & CO., INC., MCGINN, SMITH :
 ADVISORS, LLC, MCGINN, SMITH CAPITAL :
 HOLDINGS CORP., :
 FIRST ADVISORY INCOME NOTES, LLC, :
 FIRST EXCELSIOR INCOME NOTES, LLC, :
 FIRST INDEPENDENT INCOME NOTES, LLC, :
 THIRD ALBANY INCOME NOTES, LLC, :
 TIMOTHY M. MCGINN, AND DAVID L. SMITH, :
 LYNN A. SMITH, DAVID M. WOJESKI :
 Trustee of the David L. and Lynn A. Smith Irrevocable :
 Trust U/A 8/04/04, GEOFFREY R. SMITH, LAUREN T. SMITH, :
 and NANCY MCGINN, :
Defendants, :
 LYNN A. SMITH, and :
 NANCY MCGINN, :
Relief Defendants, and :
 DAVID M. WOJESKI, Trustee of the David L. :
 and Lynn A. Smith Irrevocable Trust U/A 8/04/04, :
Intervenor. :
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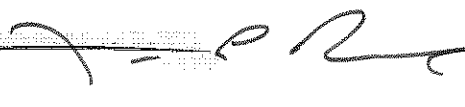
10 Civ. 00457
(GLS/DRH)

PLEASE TAKE NOTICE that E. STEWART JONES LAW FIRM, PLLC, is hereby substituted as attorneys of record for the defendant Timothy M. McGinn in the above-captioned matter in substitution for the firm GUSRAE, KAPLAN, BRUNO & NUSBAUM PLLC, which previously appeared as attorneys of record.

Dated: December 23, 2010



Substituting Attorneys
 E. STEWART JONES LAW FIRM, PLLC
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Withdrawing Attorneys
 GUSRAE, KAPLAN, BRUNO &
 NUSBAUM PLLC
 Martin P. Russo, Esq.
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SO ORDERED

U.S.M.J.