

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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,

10 Civ. 00457  
(GLS/DRH)

*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.*

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 Attorney  
E. STEWART JONES LAW FIRM, PLLC  
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Withdrawing Attorneys  
GUSRAE, KAPLAN, BRUNO &  
NUSBAUM PLLC  
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SO ORDERED

David R. Homer  
U.S.M.J.

12/23/10