

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :
 :
Plaintiff, : 10 Civ. 457 (GLS/DRH)
 :
- against - : ECF Case
 :
McGINN, SMITH & CO., INC., McGINN, SMITH : **Notice of Appearance**
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, TIMONTHY :
M. McGINN, DAVID L. SMITH, LYNN A. SMITH, :
DAVID M. WOJESKI, Trustee of the David L. and Lynn :
A. Smith Irrevocable Trust U/A 8/04/04, GEOFFREY R. :
SMITH, LAUREN T. SMITH, and NANCY McGINN, :
 :
Defendants, :
 :
LYNN A. SMITH, and NANCY McGINN, :
 :
Relief Defendants, and :
 :
DAVID M. WOJESKI, Trustee of the David L. and Lynn :
A. Smith Irrevocable Trust U/A 8/04/04, :
 :
Intervenor. :
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To the Clerk of this Court and all parties of record:

Enter my appearance as counsel in this case for defendant/intervenor David M.

Wojeski, Former Trustee of the David L. and Lynn A. Smith Irrevocable Trust U/A
8/04/04.

I certify that I am admitted to practice in this Court.

Dated: White Plains, New York
February 1, 2011

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP

By: s/Fred N. Knopf
Fred N. Knopf (302292)
Attorneys for Defendant/Intervenor
David M. Wojeski, Former Trustee
of the David L. and Lynn A. Smith
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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2011, the foregoing Notice of Appearance was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

s/Fred N. Knopf
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