

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

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**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

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

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

Defendants.

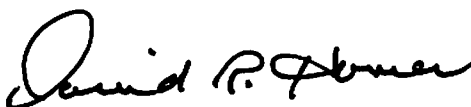
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**ORDER**

A telephone conference was held on-the-record on February 8, 2011 with counsel the involved parties regarding the request of defendant Lynn A. Smith for leave to file a motion for a stay pending appeal of this Court's order filed February 1, 2011. Docket No. 263. As directed during that conference, it is hereby

**ORDERED** that defendant Lynn A. Smith is granted leave to file a motion for a stay pending appeal of this Court's order filed February 1, 2011 and any such motion shall be filed on or before **February 11, 2011**.

**IT IS SO ORDERED.**

Dated: February 8, 2011  
Albany, New York

  
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United States Magistrate Judge