

**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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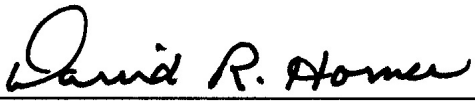
**ORDER**

Defendants Timothy M. McGinn ("McGinn") and David L. Smith ("David Smith") have moved for an order staying the proceedings in this action pending resolution of a parallel criminal investigation. Docket No. 26. Relief Defendant Lynn A. Smith takes no position on the motion and the remaining named defendants have not yet appeared in the action. Plaintiff Security and Exchange Commissioner (SEC) opposes the motion. Docket No. 28. A hearing was held on-the-record on May 25, 2010 concerning this motion. As directed at the conclusion of that hearing and for the reasons stated at that time which are incorporated herein by reference, it is hereby

**ORDERED** that the motion of McGinn and David Smith is **GRANTED** to the extent that their depositions scheduled for May 26 and 27, 2010 in connection with the SEC's motion for a preliminary injunction is **STAYED** and the motion of McGinn and David Smith is otherwise **DENIED**.

**IT IS SO ORDERED.**

Dated: May 25, 2010  
Albany, New York

  
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United States Magistrate Judge