

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

v.

10 Civ. 457 (GLS)  
(DRH)

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, 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, and*

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 0/04/04,

*Intervenor.*

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**NOTICE OF HEARING ON FIRST INTERIM APPLICATION OF  
CHIAMPOU TRAVIS BESAW & KERSHNER LLP  
FOR APPROVAL OF FEES AND EXPENSES**

PLEASE TAKE NOTICE that upon the First Interim Application of Chiampou  
Travis Besaw & Kershner LLP (“Chiampou”) for Approval of Fees and Expenses  
 (“Application”), Phillips Lytle LLP as counsel to William J. Brown, Receiver, on behalf of the  
Application of Chiampou will appear (unless otherwise directed by the Court) before the Hon.

David R. Homer, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley U.S. Courthouse, 445 Broadway, Room 441, Albany, New York 12207, on **May 19, 2011 at 9:30 a.m.**, or as soon thereafter as they can be heard, seeking an Order to be entered approving the Application of Chiampou for interim compensation and reimbursement of expenses in connection with accounting, tax and consulting services performed for William J. Brown, as Receiver for the McGinn Smith Entities in this action. No oral argument is requested.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: Buffalo, New York  
March 28, 2011

PHILLIPS LYTTLE LLP

By /s/ William J. Brown  
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