

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

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; AND
DAVID L. SMITH,**

Defendants, and

LYNN A. SMITH,

Relief Defendant.

CONSENT ORDER

IT IS ORDERED that plaintiff shall file and serve any papers responding to relief defendant Lynn Smith's opposition to plaintiff's motion for a preliminary injunction no later than May 28, 2010.

SO ORDERED:

Dated: May 27, 2010



UNITED STATES MAGISTRATE JUDGE