

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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

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

Defendants.

ORDER

A conference was held on-the-record on May 27, 2010. As directed during that conference, it is hereby

ORDERED that:

1. The motion of proposed intervenor David Wojeski, as Trustee of the David L. and Lynn A. Smith Irrevocable Trust (Docket No. 31-34) is **GRANTED** to the limited extent that Mr. Wojeski as Trustee is granted leave to intervene to seek relief from the Temporary Restraining Order and to oppose plaintiff's motion for a preliminary injunction as to the Irrevocable Trust;

2. The hearing on plaintiff's motion for a preliminary injunction is hereby adjourned to **June 9, 2010 at 10:30 a.m.**;

3. The parties are granted leave to take limited discovery they deem appropriate with all such discovery to be completed on or before **June 4, 2010**; and

4. On or before **June 8, 2010 at 12:00 Noon** all parties participating in the hearing on plaintiff's motion for a preliminary injunction shall serve on all others participating in the hearing

(a) a list of all witnesses whom that party intends to call to testify at the hearing, and (b) copies of all documents which a party intends to offer in evidence at the hearing.

IT IS SO ORDERED.

Dated: May 28, 2010
Albany, New York



United States Magistrate Judge