

**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**

In an order filed October 6, 2011 (Dkt. No. 396), defendants David Smith, Timothy McGinn, and Lynn Smith were granted leave to file supplemental pleadings regarding the motion of plaintiff Securities and Exchange Commission to compel the production of certain records maintained by the LaValle & Finn law firm with any such supplemental filing to be made on or before October 14, 2011. Counsel for David Smith and Lynn Smith have now advised that they are unable to make such supplemental filings because they have not yet received all relevant documents from the law firm. It appears that production has been delayed by confusion over the necessity for and granting of waivers and consents to the production of documents. Accordingly, it is hereby

**ORDERED** that:

1. The deadline for defendants David Smith, Timothy McGinn, and Lynn Smith to file supplemental pleadings regarding the production of the law firm's records is extended to **October 24, 2011**; and

2. A conference will be held in the courtroom of the undersigned on **October 19, 2011 at 9:00 a.m.** to address any remaining issues of consent and waiver to the production of the

law firm's records. All parties except counsel for plaintiff and Receiver William Brown shall appear in person. Counsel for plaintiff and Receiver William Brown may appear by telephone.

**IT IS SO ORDERED.**

Dated: October 13, 2011  
Albany, New York

  

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United States Magistrate Judge