

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

SECURITY AND EXCHANGE COMMISSION,

Plaintiff,

AFFIDAVIT OF SERVICE BY  
FEDERAL EXPRESS MAIL  
Civil Action No.: 10-CV-457

-against-  
(GLS/DRH)

McGINN SMITH & COMPANY et al


Defendant.

STATE OF NEW YORK )  
 )ss.  
COUNTY OF ALBANY )

Mary C. Marra, being duly sworn, deposes and says, that she is over the age of eighteen years; that she served the within **copy of the file produced pursuant to Order of the Court pertaining to McGinn Smith & Company, Inc., with attorney certification dated August 24, 2011**, upon the following person(s) at the following time(s) and place(s) in the following manner:

William J. Brown, Esq.  
Philips, Lytle Law Firm  
3400 HSBC Center  
Buffalo, NY 14203  
On October 20, 2011  
At 1:45pm

by delivering a true and correct copy of the same properly enclosed in a post-wrapper in the Official Federal Express Depository maintained and exclusively controlled by Federal Express at 20 Corporate Woods, Albany, NY 12211 directed to said Attorney(s), respectively, at said address(es), respectively mentioned above, holding tracking number **797646904765** that being the address(es) within the state designated for that purpose upon the last papers served in this action or the place where the above then resided or kept offices, according to the best information which can be conveniently obtained.

  
MARY C. MARRA

Sworn to before me, this 20th day  
of October, 2011

  
Notary Public

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APRIL L. SCHMICK  
Notary Public, State of New York  
Qualified in Saratoga County  
No. 01SC6020312  
Commission Expires March 1, 2011 