

**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

By letter dated October 1, 2011, non-party witness Thomas J. Urbelis ("Urbelis") requested a conference pursuant to N.D.N.Y.L.R. 7.1(b)(2) to seek leave to move to quash a subpoena duces tecum served upon him by plaintiff Securities and Exchange Commission ("SEC") pursuant to Fed.R.Civ.P. 45.¹ A telephone conference was held on-the-record on October 28, 2011 with counsel for the SEC and for Urbelis. As directed during that conference and for the reasons stated at that time which are incorporated herein by reference, it is hereby

ORDERED that deeming Urbelis' letter as a motion to quash or modify the subpoena served upon him by the SEC (Dkt. Nos. 402, 403), that motion is **DENIED** in all respects except that the deposition shall be limited in length to four hours and the production of documents shall be limited to those not previously produced to the SEC by Urbelis.

IT IS SO ORDERED.

Dated: October 28, 2011
Albany, New York


United States Magistrate Judge

¹The request was filed in duplicate as Dkt. Nos. 402 and 403.