



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

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December 21, 2011

BY ECF

The Honorable Gary L. Sharpe
United States District Judge
United States District Court
Northern District of New York
United States Courthouse
Albany, New York 12207

Re: SEC v. McGinn, Smith & Co., Inc., et al., 10 CV 457 (GLS)(DRH)

Dear Judge Sharpe:

I write to advise the Court that the discovery phase of this case ended on December 16, 2011. Except for responses to defendants' discovery requests that plaintiff will serve next week, and expected document productions from several third-parties who have not yet fully complied with Rule 45 subpoenas issued by plaintiff, all depositions and discovery have been completed.

Under the Court's scheduling orders (Dkt. Nos. 136, 290, 418), the deadline for filing dispositive motions is February 15, 2012, and the Trial Ready date is March 15, 2012. If no dispositive motions are filed, then the Trial Ready date will be February 15, 2011. *See* Dkt. 136 at 3-4. We intend to confer with the defendants and relief defendants and report back to the Court in early January on whether any parties intend to file dispositive motions.

Respectfully submitted,

/s
David Stoelting

cc: The Honorable David R. Homer (by ECF)
James Featherstonhaugh, Esq. (by email and ECF)
E. Stewart Jones, Esq. (by email and ECF)
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