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Rcvd 1-11-12
USMS Homer's
Chambers (led)

11 JAN 2012

ATT: David P. Stoelting, Esq.

REF: S.I.P.C. & McGinn, Smith & Co. case# 1:10_cv_00457_GLS_DRH

Honorable David R. Homer
U.S. District Court of Northern
445 Broadway, Room 441
Albany, NY 12207

Re: 10cv457

Your Honor:

Please note the letter sent to David P. Stoelting, Esq. on 11 JAN 2011

Dear Mr. Stoelting:

This letter to you is a follow up to our 23 SEP 2011 correspondence concerning the McGinn Smith Case. Your response on 9/30/2011 made us aware of SIPA's rules and the pending investigation.

It is now the tenth of January 2012 and AGAIN we are respectfully urging you to immediately apply for SIPC coverage in our case. We understand that SIPC has already paid investors losses in the Bernard Madoff case and it has rushed in to assume losses in the bankruptcy of the commodities firm MF Global. There are many charges, in the Stanford case, that seem almost verbatim to the McGinn Smith case (except for the off shore banking issue) and most recently the SEC has filed suit to compel SIPC to cover those losses. We have contacted our elected officials i.e. U.S. Congressman Chris Gibson, Senators for NY State Charles E. Schumer and Kirsten Gillibrand as well on 23 SEP 2011 but to no avail.

We respectfully request that you, now more than ever, as legal counsel for the SEC initiate the action necessary to compel a SIPA liquidation that hopefully & ultimately lead to SIPC protection.

Respectfully yours,

Vincent R. & Diana S. Gentile

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cc: Honorable David R. Homer
cc: William J. Brown, Esq. Receiver
cc: Congressman Chris Gibson
cc: Senatore Charles E. Schumer
cc: Senator Kirsten Gillibrand
cc: Brandan Lyons, Times Union: Senior Staff Writer